DOCUMENT RESUME

ED 215 591 HE 014 524

AUTHOR Farley, Jennie, Ed.
TITLE Sex Discrimination in Higher Education: Strategies for Equality.
INSTITUTION State Univ. of New York, Ithaca. School of Industrial and Labor Relations at Cornell Univ.
REPORT NO ISBN-0-87546-089-5
PUB DATE 81
NOTE 159p.; Based on papers presented at a conference at Cornell University (Ithaca, NY, November 7-9, 1980). Conference cooperatively sponsored by more than 21 organizations.
AVAILABLE FROM ILR Publications, Cornell University, Ithaca, NY 14853 ($7.50; five or more, 10 percent discount).

EDRS PRICE MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS *Activism; Affirmative Action; Change Strategies; Court Litigation; *Employment Practices; Equal Opportunities (Jobs); Faculty College Relationship; Faculty Evaluation; Females; *Grievance Procedures; Helping Relationship; Higher Education; *Mentors; Personnel Policy; *Sex Discrimination; *Women Faculty

ABSTRACT

Papers and discussion transcripts from a 1980 conference at Cornell University on creative approaches to ending sex discrimination in higher education are presented. In "Litigation: Strategy of the Last Resort," Judith P. Vladeck reviews the judicial history of academic women's grievances and suggests that to avoid sex discrimination litigation women will have to be more aggressive in guarding their rights; academic administrators will have to be more reasonable in dealing with grievances; and faculty will have to be more open about their employment practices. In "Building Mentorship Frameworks as Part of an Effective Equal Opportunity Ecology," Mary P. Rowe advocates that administrators and faculty develop multiple helping resources for management, women's networks, and close relation between top management and the networks. Helen C. Davies and Robert E. Davies, in "Grievances and their Redress in the Eighties," note a need for more objectivity in performance appraisals and emphasize the need for the development of sound and speedy grievance procedures. Grievance procedures and faculty evaluation criteria used at the University of Pennsylvania are also considered. In "Strategies for Eliminating Sex Discrimination: Times That Try Men's Souls," Bernice R. Sandler urges women to organize in their own interests and to learn effective strategies for bringing about change in system-level policies and practices, including the efforts of coalitions. Reports from participating institutions also are presented, and Mary P. Rowe's article, "Go Find Yourself a Mentor," which was not delivered at the conference, is appended. (SW)

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STRATEGIES FOR EQUALITY

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Jennie Farley, editor

NEW YORK STATE SCHOOL OF INDUSTRIAL AND LABOR RELATIONS
CORNELL UNIVERSITY

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Cover design by Michael Rider

Library of Congress number: 81-9604
ISBN: 0-87546-089-5

Library of Congress Cataloging in Publication Data
Main entry under title:

Sex discrimination in higher education.

Bibliography: p.
Includes index.
Based on papers presented at a conference held in Nov. 1980 at Cornell University, sponsored by the Extension and Public Service Division of the School of Industrial and Labor Relations and other organizations.
1. Sex discrimination in education--United States--Congresses. 2. Educational equalization--United States--Congresses. 3. Education, Higher--United States--Congresses. I. Farley, Jennie. II. New York State School of Industrial and Labor Relations. Extension and Public Service Division.
LC212.2.S485 378.73 81-9604
ISBN 0-87546-089-5 (pbk.) AACR2

Copies may be ordered from

New York State School of
Industrial and Labor Relations
Cornell University
Ithaca, New York 14853

"Litigation represents a failure of creative approaches. (Effective mechanisms) for resolving disputes within institutions do not seem to exist yet but I do not think it is beyond our ingenuity to develop some...."

--Judith P. Vladeck

"The practice of true equal opportunity is patently less costly in terms of litigation, emotional damage, and other problems...."

--Mary P. Rowe

"It is clearly necessary to improve procedures and morality and thus the chance of justice being done...."

--Helen C. Davies and Robert E. Davies

"After ten years of affirmative action and federal legislation prohibiting sex discrimination, women are still second class citizens on the campus...but women are a new advocacy group--this is how we have to think of ourselves in the 1980s."

--Bernice R. Sandler

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Preface

Jennie Farley

November 7-9, 1980, a conference on creative approaches to ending sex discrimination in higher education drew one hundred fifty-five--faculty members, academic administrators, and attorneys--from two dozen colleges in ten states to Cornell University. The theme was timely. That month, the U.S. Department of Labor and the University of California at Berkeley finally resolved a problem that had held up a compliance review there for months. According to press reports, the government agency and the university finally compromised on the terms of granting access to personnel documents and letters of reference for junior faculty being considered for promotion. A University of Georgia professor went to prison in his academic robes rather than respond to a judicial order to tell how he had voted on the candidacy for tenure of the director of women's studies there. And the City University of New York, the State University of New York, Notre Dame, Harvard, Princeton, and many other institutions were defending themselves against law suits and grievances alleging sex-based employment discrimination. The week before the conference, Cornell itself was the target of a suit filed by a group known as the Cornell Eleven--current and former faculty members who accused the institution of sex discrimination in hiring, contract renewal, promotion to tenure, and equity in pay.

Representatives of the institutions felt beleaguered and drawn unwillingly into draining and expensive litigation. Women grievants, reviewing the results of such court actions in the past, were outraged that so few had succeeded, yet determined to seek justice through the only avenue they saw left to them. The issues are complex, but there seems to be agreement on two premises: first, that there still is sex discrimination in higher education and second, that law suits are not effective mechanisms for resolving the problem.

Anthropologist Louise Lamphere and three other faculty members brought a suit against Brown University charging sex discrimination in employment and lack of effective affirmative action. The case was certified as a class action in July 1976. Fourteen months later, the institution and the plaintiffs agreed to a court-supervised settlement, which involved the granting of tenure to three of the four; the fourth, where tenure was not at issue, received a financial settlement. Brown agreed to change its policies but did not admit that it had been guilty of sex discrimination. Both the plaintiffs and the defendants in Lamphere et al. v. Brown University felt that too much money had been spent on attorneys' fees. The president of Brown, Howard Swearer, noted in the February 1980 issue of the Brown Alumni Monthly that the plaintiffs' attorneys' fees were twice as large as the sums awarded to all the plaintiffs put together. "It [the award to plaintiffs' attorneys] is equivalent to the support of fifty financial aid students or fifteen assistant professors," Swearer said. "It comes at a time when most universities are hard-pressed financially."

Despite that kind of agreement on the outcome of law suits, there is comparatively little discussion of alternative ways of resolving the grievances of sex discrimination brought by women who say they have been victims of it. Hence, the conference.

The sponsor of this conference was the Extension and Public Service Division of the New York State School of Industrial and Labor Relations, Cornell, in cooperation with three organizations: the Ithaca Branch of the American Association of University Women; the Provost's Advisory Committee on the Status of Women at Cornell; and the Friends of the Cornell Eleven, an organization formed to support the educational and legal efforts of the grievants. Twenty-one other campus and community groups supported the conference.[1] Partial financial support was provided by the Ford Foundation and by the Aetna Life and Casualty Foundation.

1. Cornell's Affirmative Action Advisory Board; Center for Religion, Ethics, and Social Policy at Cornell; Cornell Society of Women Engineers; Cornell University Panhellenic Council; Cornell Women's Caucus; Cornell Women's Club of Ithaca; Graduate School of Business and Public Administration Women's Association; Graduate Women in Science, Alpha Chapter; Industrial and Labor Relations Women's Caucus; Men Against Sexism and Rape; Minority Faculty/Staff Forum; Mortar Board; Nothing But Treble; Noyes Center at Cornell; Professional Skills Roster; Tompkins County Human Rights Commission;

As Dean Lois Gray, director of extension and public service at the School of Industrial and Labor Relations, noted in her welcoming remarks, the conference did not represent a new departure for her unit. She said the impetus for the school's founding had been the tragic labor troubles in the United States. In 1944, to help resolve those disputes, the New York legislature mandated a new school--a place where pressing work problems could be studied and taught about. They chose Cornell as the site for the school because of the university's long tradition as a land grant institution, a university that puts special emphasis on extending the fruits of research and teaching on campus to adults around the state.

Since that time, men and women from all over the world have come to the New York State School of Industrial and Labor Relations at Cornell. People of both sexes, all races, and all ages have participated in the extension programs offered on campus and across the state. Through research reports and conference reports, the effects of such extension are multiplied further. A president of Cornell once introduced the graduates of the ILR school at commencement as the "peacemakers of the world." In a way, Dean Gray said, the two traditions came together in the November 1980 conference. "We have always taken pride in our efforts to be peacemakers and pride in Cornell's record in extension and public service. Now in the 1980s, we see a new kind of labor dispute--law suits resulting from allegations of sex discrimination in higher education."

The requirement that equal employment opportunity be provided to academic women rests on two legal mandates: Title VII of the Civil Rights Act of 1964 and Executive Orders 11246 and 11375. The Civil Rights Act was amended in 1972 to extend protection from discrimination on the basis of sex to women professionals in higher education. The executive orders, the first issued in 1965 and its amendment in 1968, require that employers who do business with the government not only not discriminate on the basis of race, color, religion, sex, or national origin but that they take "affirmative action" to ensure the provision of equal opportunity, i.e., that they advertise widely, reexamine their selection procedures to make certain women are not being unfairly excluded, and so forth. Has this

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Tompkins County National Organization for Women; Women's Law Coalition; Women's Studies Program; Working Women's Institute; and Zonta International.

legislation helped improve the status of academic women? At the very least, its existence has surely raised questions that were seldom raised in the past.

The conference speakers took quite different approaches to the resolution of problems created by sex discrimination in higher education. Attorney Judith Vladeck made it clear that if litigation in the courts is to be avoided, women who are victims of discrimination will have to be more aggressive in guarding their own rights; academic administrators will have to be more reasonable in dealing with grievances; and faculty members will have to be more open about their employment practices. Mary Rowe called on administrators and faculty to develop multiple helping resources for junior faculty and staff. Professors Helen and Robert Davies called for more honor among their colleagues and stressed the need for more objectivity in performance appraisals; they also emphasized the need for the development of sound and speedy grievance procedures. Activist Bernice Sandler urged women to organize in their own interests and to learn effective strategies for bringing about change in system-level policies and practices.

Before the conference, there was concern among the planners that few men's names appeared among the preregistrants; indeed, as late as the week before the conference, only one man had signed up and paid his $15 registration fee--and he was one of the attorneys serving as counsel to women suing a university. A senior faculty woman wanted to come to the rescue. Faculty salaries are not keeping pace with inflation, she noted, and the fee might be a factor in keeping away tenured men. Therefore, she set up a scholarship fund for her male colleagues. The conference was so important, she said, that she did not want financial need to stand in the way of her male colleagues' attendance. Indeed, she said, she would not even require financial disclosure.

In the end, as can be seen from the list of participants (Appendix C), 14 percent of those who attended were men, none of whom was on scholarship. On a more serious note, there were undergraduate men among the participants. They were outnumbered, as were blacks and other minorities. But, as one participant observed, "This was the first conference I ever attended where minorities' concerns were linked with women's."

It is hoped that this book will be of use to diverse segments of the higher education community: faculty members

academic administrators, attorneys representing these groups, and indeed, all those who care about both the future of higher education and the welfare of individuals within it. The volume includes not only the papers presented at the conference but a summary of the discussion elicited by each presentation. The first chapter of these proceedings is divided into three parts: a review of the judicial history of academic women's grievances written especially for this volume by attorney Judith Vladeck; a transcript of Vladeck's presentation at the conference; and a summary of the discussion that followed. Chapter 2 is a report by Mary Rowe of MIT (read in her absence by a Cornell faculty member) and that discussion; Chapter 3 is the paper by professors Helen and Robert Davies of the University of Pennsylvania and the questions and answers that it elicited. Chapter 4 is the last paper presented that day--a call to action presented by Bernice R. Sandler--and a summary of that discussion. The concluding chapter contains reports by conference participants of the progress and problems at the colleges and universities they represented. Those discussions suggested that, while these problems are sensitive and serious, there are creative ways of resolving them where they should be resolved: on campus.

1.
Litigation: Strategy of the Last Resort

Judith P. Vladeck

JUDICIAL HISTORY

In 1972, Congress extended the coverage of Title VII to educational institutions, which had been exempted under the original act.[1] Despite the congressional mandate, however, between 1972 and 1977 the federal courts steadfastly refused to examine claims of discrimination in academic employment in the same manner in which they had dealt with claims of sex or race discrimination in industry. The difference in approach was rooted in the assumption, on the part of the judiciary, that a university was a "meritocracy," and that employment decisions made by institutions of higher education were not within the scope of judicial expertise. Therefore, it was concluded, university decisions were best left undisturbed. This attitude was made explicit by Judge Moore of the Second Circuit in Faro v. New York University:

> Of all fields which the federal courts should hesitate to invade

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The research assistance of Paula Berg is gratefully acknowledged--J.P.V.

1. In the words of the House report on the amendment, "There is nothing in the legislative background of Title VII, nor does any national policy suggest itself to support the exemption of these educational institution employees--primarily teachers--from Title VII coverage. Discrimination against minorities and women in the field of education is as pervasive as in any other area of employment." H.R. Rep. No. 238, 92nd Cong., 2d Sess. (1971), reprinted in U.S. Code Cong. & Ad. News, 2137, 2155 (1972).

> and take over, education and faculty appointments at a university level are probably the least suited for federal court supervision. Dr. Faro would remove any subjective judgments by her faculty colleagues in the decision-making process by having the courts examine 'the university's recruitment, compensation, promotion and termination and by analyzing the way these procedures are applied to the claimant personally'.... Such a procedure, in effect, would require a faculty committee charged with recommending or withholding advancements or tenure appointments to subject itself to a court inquiry at the behest of unsuccessful and disgruntled candidates as to why the unsuccessful was not as well qualified as the successful.[2]

This hands-off attitude, exemplified by Judge Moore's comments, placed a greater value on the sanctity of the procedure used by universities in making employment decisions than on safeguarding the right of minority and woman employees to be evaluated without reference to the irrelevancies of sex, race, or national origin. Largely as a result of this attitude, virtually all Title VII cases against universities in the period between 1972 and 1977 ended in defeat for female plaintiffs.

In the past two or three years, however, the federal judiciary has begun to retreat from its hands-off policy. In fact, all circuit courts that have considered sex discrimination cases against academic institutions have explicitly broken with this position.[3]

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2. 502 F.2d 1229 (2d Cir. 1974) at 1231-32.

3. Between 1978 and 1980, the only circuit courts to rule in academic discrimination cases, i.e., the First, Second, Fifth and Seventh Circuits, expressly refused to accept the deference shown to university employment decision-making as spelled out in Faro v. New York University, supra. The reversal by these circuit courts has been enunciated respectively in: Sweeney v. Board

It can also be argued that the Supreme Court has given its tacit approval to the increased level of judicial scrutiny of university employment practices, in that it refused to grant review of a circuit court decision that adopted this policy[4] and did not take issue with this aspect of a decision that it did review.[5]

The first court to reject the antiinterventionist position was the Court of Appeals for the First Circuit in the case of Sweeney v. Board of Trustees of Keene State College. This case arose from the claim of discriminatory refusal of the college to promote Sweeney to the level of full professor, despite having awarded her tenure. Commenting on the record of the failure of plaintiffs in Title VII cases to prevail against universities, Judge Tuttle said,

> We voice misgivings over one theme recurrent in those opinions: the notion that courts should keep 'hands-off' the salary, promotion, and hiring decisions of colleges and universities. This reluctance no doubt arises from the courts' recognition that hiring, promotion, and tenure decisions require subjective evaluation most appropriately made by persons thoroughly familiar with the academic setting. Nevertheless, we caution against permitting judicial deference to result in judicial abdication of a responsibility entrusted to the courts by Congress. That responsibility is simply to provide a forum for the

of Trustees of Keene State College, 569 F.2d (1st Cir. 1978); 439 U.S. 24, 58 L.Ed 2d 216, 99 S.Ct. 295 (1978); remanded, 604 F.2d 106 (1st Cir. 1979); Jepsen v. Florida Board of Regents, 610 F.2d 1379 (5th Cir. 1980); Powell v. Syracuse University, 580 F.2d 1150 (2d Cir. 1978), cert. denied 439 U.S. 984, 58 L.Ed.2d 656, 99 S.Ct. 576 (1978); Davis v. Weidner, 596 F.2d (7th Cir. 1979).

4. Powell v. Syracuse University, supra.

5. Sweeney v. Board of Trustees of Keene State College, supra.

> litigation of complaints of sex discrimination in institutions of higher learning as readily as for other Title VII suits.[6]

The court found in favor of Sweeney, ordered that the college promote her, and awarded back pay.

Six months later, the Court of Appeals for the Second Circuit, the court that had articulated the hands-off policy in Faro in 1974, reversed its position. In Powell v. Syracuse University, a black female, who was a visiting professor of architecture, brought a Title VII action against the university for failing to hire her as a full-time faculty member. While the court ruled against Powell, it took the opportunity to announce that it had reconsidered its position in Faro and would henceforth subject the employment practices of universities to an increased level of scrutiny. It described the role of the courts in academic discrimination cases:

> It is our task, then, to steer a careful course between excessive intervention in the affairs of the university and the unwarranted tolerance of unlawful behavior. Faro does not, and was never intended to, indicate that academic freedom embraces the freedom to discriminate.[7]

With the change in approach has come a willingness to impose remedies that the courts had previously refused to consider. In Kunda v. Muhlenberg College, a female physical education instructor brought a Title VII suit for failure to promote and award tenure. After finding that "discriminatory animus based on sex" motivated the failure of the dean and president of the college to tell Kunda that a master's degree was an absolute prerequisite to advancement, the court ordered that "...she be awarded tenure contingent upon obtaining her Master's degree within two full school years."[8] While Kunda's

6. 569 F.2d 176-77 (1st Cir. 1978), supra.

7. 580 F.2d 1154 (2d Cir. 1978), supra.

8. Kunda v. Muhlenberg College, 463 F.Supp. 294, 308 (E.D. Pa. 1978). Despite the fact that the plaintiff did not have

case was unusually strong, her case marks the first time that a court, upon finding that sex discrimination tainted a university's decision to grant or withhold tenure, has substituted its evaluation of a faculty member for that of the university.

The opening of the court doors to plaintiffs who bring sex discrimination actions against universities is a step forward in the effort to achieve the goals of Title VII. This is not to say, however, that plaintiffs face an easy task in proving, by a preponderance of the evidence, that "discriminatory animus based on sex" biased a university's employment decision.[9] There has been a wide disparity in the willingness of courts to probe beneath the subjective rationalizations offered by defendants in rebuttal to a plaintiff's prima facie case of disparate treatment.[10] Some courts also continue to demonstrate

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a master's degree, her colleagues in the department of physical education and other departments in the college, recommended that she be awarded tenure.

9. Since 1978, only three academic discrimination suits have resulted in final judgments favorable to the plaintiff: Sweeney v. Board of Trustees of Keene State College, supra; Kunda v. Muhlenberg College, supra; Jepsen v. Florida Board of Regents, supra. On the losing side, Powell v. Syracuse University, supra; Smith v. University of North Carolina, 18 FEP Cases 913 (M.D.N.C. 1978); Cooper v. University of Texas at Dallas, 482 F.Supp. 187 (N.D. Tex. 1979); Davis v. Weidner, supra; Lieberman v. Gant, 474 F.Supp. 848 (D. Conn. 1979); Campbell v. Ramsay, 484 F.Supp. 190 (E.D. Ark. 1980).

10. For example, in Sweeney v. Board of Trustees of Keene State College, supra, at 179, the court did not accept as sufficient, the defendant's blanket assertion that, in "their honest belief," the plaintiff was simply less qualified for the promotion than the selected male candidate. In contradistinction to this, some courts have demonstrated a complete willingness to accept an employer's "good faith" assessment of a plaintiff's qualifications as sufficient to meet its burden. For example, in Lieberman v. Gant, supra, at 865, the court said that "...a sincere belief that a person is not qualified for a job is an adequate justification for an employment decision and rebuts a complainant's prima facie case."

a lack of sensitivity to the more subtle aspects of sex discrimination in the academic setting.[11] Nevertheless, the promise of the courts to scrutinize the employment practices of universities, as it would those of any other employer, signifies the falling of a significant barrier to the realization of employment equality in academia.

ONE LITIGATOR'S EXPERIENCE

I understand my presentation is to summarize the ways in which the law protects academic women. That is easy: it does not. The theme today is creativity in dealing with problems of sex discrimination in academic employment and the search for alternatives to litigation. Those of us who are lawyers think of litigation as failure, failure of the creative efforts to solve problems. Had there been creativity, there would have been no need for litigation. On the other hand, I know, as yet, of no alternative to it.

Since the early 1970s, I have been involved in litigation in one forum or another against universities. My first involvement was not only on behalf of women, but also on behalf of unions, when unions first began to organize college faculties. I learned that most administrative agencies and most courts really do not understand the university or its employment practices. An administrative law

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11. The "old boy" method of recruiting and hiring faculty members, while seemingly innocent enough, has actually been one efficient means whereby women (not part of the network) have been systematically excluded from academic job opportunities. See Vladeck and Young, Sex Discrimination in Higher Education: It's Not Academic, 2 Women's Rights L. Rep. 59 (1978). Some judges have failed to acknowledge the effect of the network in perpetuating exclusionary practices. This blindness appears in a Title VII action against an elementary school for failing to hire the plaintiff as a teacher. In Lombard v. School District of the City of Erie, 463 F.Supp. 566, 571 (W.D. Pa. 1978), the court noted, "Stating that a man was selected over a woman for a job because the man had more friends in high places, constitutes a 'non-discriminatory reason' for unequal treatment sufficient to avoid liability under Title VII...."

judge or a judge in a district court is baffled by the language. The terminology--the deans, and the provosts, and the adjuncts, and the tenure track--is such mystical language that it creates a problem for the ordinary judge trying to understand the employment practices of universities. This has caused a certain hands-off policy. If they don't understand it, they want to leave it alone.

Not only in the union cases, but later in the discrimination cases, the same kind of bafflement has arisen from the mystique of the university. But the mystique is perpetuated by both sides: I was once soundly chastised by my own clients for calling university faculty members "employees." That is not a proper word to use, I learned, for people who work for universities. They are not employees. They are something else.

About 1971, a group of women from the City University of New York came to see me. They had filed charges with HEW and were considering filing a class action suit on behalf of the CUNY women faculty and other women professional employees. They asked if I would represent them. I said I wished they would find a younger lawyer. I felt I was too late for the revolution, but because there were no other lawyers who had sufficient experience and willingness to represent them, I agreed to, and I became, at my age, a "cause" lawyer. I didn't start out as one, but this decade of experience has radicalized me. I am now likely to exhort women grievants, that is, women and members of minority groups employed in the academic environment, to fight for treatment equal to that provided to their white male colleagues.

There is discrimination in the university against anyone who is not a white Anglo-Saxon male. Women and members of minority groups are likely to be judged not on merit but on other factors totally unrelated to the standards that are alleged to be used in assessing the performance of faculty members. I am currently counsel to plaintiffs in two major class action suits against academic institutions: one against the City University of New York on behalf of all its female professional employees and the other against the State University of New York at Stony Brook on behalf of all its female professionals, both faculty and nonteaching professionals. I have successfully settled a class action against the Polytechnic Institute of New York.

Each of these cases was preceded by lengthy efforts on the part of the plaintiffs to get some kind of remedy within

the institution without having to bring suit. The experiences of the women at CUNY are instructive. They had gathered data showing clearly that women's salaries were different from men's, their rate of hire was different, the level of position at the time of hire was different, and their rates of earning tenure and promotion were different. The women organized into a political caucus, went to the chancellor, and said, "We do not want to sue on these issues. We don't want to fight. We just want somebody to look at this and straighten it out." The chancellor's response was a fiasco, as a political gesture. In setting up a committee to study this situation, he bypassed the women who had come to him originally and appointed a group of strangers--women who had no prior identification with women's issues. He alienated the grievants; they said, "Let's not trust those women appointed by the chancellor." The chancellor remained aloof, but his commission went ahead and prepared a report that concluded, "Discrimination against women is pervasive throughout the university." Whereupon, the women, who had originally complained, seized upon the report as their very own, while the chancellor said, "One cannot rely on this report; the statistics are not reliable, and so on."

A similar situation occurred at SUNY. The women there had the NOW chapter of Suffolk County and other women's organizations that begged the university to do something. Other supporters, women statisticians, women sociologists, and other experts who were familiar with the kinds of studies that should be performed to determine whether or not discrimination exists, had urged that a study be made. They themselves did what they called a "salary equity study," and there again the president repudiated the study and said he was going to do his own. Sometime afterward, where the administration found salary differentials that were "too extreme," the administration "corrected" them. But the administration would not report to the women as to how it determined whose salary should be raised or on what basis it was making these decisions, and the women were angered enough to find a lawyer.

There is almost a pattern of women making heroic efforts to try to resolve the problems within the establishment and being forced, through total frustration, to seek other avenues. The blindness of universities in those situations is something I do not understand. Perhaps

there is some master plan in which somebody thinks about it and says, "It is cheaper for us to wait the five or seven years that the litigation will take than to undertake a voluntary study now."

I cannot believe the indifference. After six or seven years of litigation against CUNY, we went to trial in June on only the salary issue. In May, the university said to the court, "We need more time to look into the issue, to do a study to see whether or not there is salary discrimination." I was in such a rage that I said, "How dare a government institution, which was charged with discrimination six or seven years ago, not have looked into this, not have studied it, not have done anything to determine whether these allegations were true or false?" The judge was not persuaded by the university either. We went to trial and are awaiting a decision.

The form that a class action suit takes--and I think the Cornell Eleven is probably typical of the actions women have taken--is that one or two or eleven brave people stand up and say, "We believe that our experiences--ones in which we have suffered discriminatory treatment--are characteristic of the experiences being had by other people like us." If the court is persuaded that these women are representative of the group they purport to speak for, the court will then appoint those individuals as class representatives. Thereafter, the case can proceed with those representatives acting as spokespersons for the class. The class is defined by the court and generally will include all women who are "similarly situated."

To try to prove sex discrimination in an individual case is a doomed effort. There is not a single one of us who cannot be destroyed. One woman stands up and says, "I am as good as they are. And they are promoted and I wasn't." There is almost no way you can prevail in that situation. The institution is going to bring out twenty witnesses who represent a gathering of forces to say that the plaintiff is disgruntled, less scholarly, or otherwise less deserving than her so-called peers. The individual, the outsider, is going to be defeated.

The class action device is necessary to avoid being sidetracked by discussion of individual merit. If one can show a pattern of discrimination against women (or blacks, or older people), then the presumption is that the individual employment decisions affecting a member of the protected class are tainted by the same discrimination that disadvantages the class.

The characteristic form of these cases is that they proceed with an effort to show a pattern; this pattern is typically established with statistics. Because it is very difficult and time-consuming to make a case by bringing in thousands of individual cases, a procedure has been developed by which we show statistical patterns. It was easy in the early days of the civil rights cases in the South to show that the work force was all white at the top and all black at the bottom. In some cases, I have used charts to show the same distribution of males and females; that at the upper levels, there are no women at all. Zero. It is useful to use some visual aids, charts or graphs, to show the court the pattern against which the individual cases can be viewed. It is fascinating to see where women are located in the pyramid.

The class action has become a battle of statistics. I can demonstrate very easily that the women are here and the men are all over there. Then the university says, "The numbers are correct--we can't argue with them. But there is an explanation." That is when we get into the battle of the heavyweights. At SUNY, we are seeing an example of this. The plaintiffs have a fine statistician whose report demonstrated that there was discrimination against all women. There was a salary spread that was unexplained when the women were matched against the men in terms of the time of receipt of Ph.D. degree, the quality of the institution from which they had graduated, and most of the other classic indicators that are used to compare academics' qualifications. But the state university brought in an expert and then another expert and then a third expert, trying to explain why women are where they are. I feel certain that the court is going to be absolutely dazzled by all of the numbers and theories of labor economists who say that the differential between male and female salaries can be explained in terms of "human capital." (I recommend to you that, if you are interested in these matters, you familiarize yourself with the jargon. That is essential to understanding these arguments.) The human capital theory holds that we are what we invest in ourselves; thus it can be expected that because women interrupt their work more often than men, women are less productive. Generally, since very few absolute measures of productivity can be identified in academic employment, the defense has begun to use

other surrogate measures. I am satisfied that there is no valid explanation of the salary difference other than discrimination.

What I am concerned about is that the court is likely to be baffled by the numbers as well as by the obfuscations offered by the university. Judges seem to be perfectly willing to accept almost any explanation that allows them to avoid involving themselves in the sacred academic process. This is why it is essential that, in addition to the statistics, we present cases of individuals who actually have experienced discrimination so that the court can understand how these practices operate and how they affect living, breathing human beings. Numbers are not enough.

I used a statistical witness in one case, and the judge, a very literate man, said, "I refuse to rely on the regressive analysis that was presented by plaintiff's expert." The judge was so literate that I am convinced the word regressive was deliberately chosen. We cannot rely on statistics alone. We must rely on the kinds of testimony that will give the court an understanding of how the system really works, that is, how the committees work, how there are departments that still say, "We don't want women," and how the committees work when there is fighting over promotions or tenure.

When we get to that point in the testimony, we run into the university's defense that any discussions at the committee level are confidential and privileged. Should the university be permitted to stonewall with a statement that discussions concerning personnel decision-making are confidential? Should it be permitted to say it is not going to have testimony with regard to that, so it isn't going to turn over files, or that it isn't going to permit access to personnel files even though courts have permitted access to this information in every other kind of employment discrimination case?

When a case involves university employment, somehow the judges think, "Well, that's not nice." The courts have imposed the most elaborate system of coding so that we can't tell whose file we are looking at. The professor in Georgia went to jail to make this point, that universities are sacred cows, that their personnel decision-making is somehow uniquely protected. That isn't so. Without access to the information about what went on behind closed doors, we can't enforce Title VII.

Another problem of litigating these cases, other than the massive resistance of the universities and their digging in their heels, is that delay is the classic defense of university lawyers. But more importantly, there is another problem, women and minorities who are suffering from discrimination themselves resist organizing to do anything about it. I am sure that the Cornell Eleven, like the CUNY Twenty-Six and the SUNY Twenty-One, are treated like pariahs in many parts of the university system. They are the great unwashed, and they are not supported. Women who have made it up to the level of department chairperson and to other positions of influence and power somehow resist the idea of supporting the women who have not. There is an elitism that seems to affect these people who are secure and who have reached positions of comfort and security: They are there because of merit. The others who haven't gotten there? They're just not that good. It is a pervasive attitude among women and among blacks who have moved up into positions of supervision, and it is a serious obstacle.

There is also a kind of dishonesty pervading the universities' approach to these problems. An example I can offer occurred in the preparation of one witness who was going to testify about a college committee (other than his own) that was searching for candidates and wouldn't accept applications from women. He was upset about it. After he left, I went over the records of his own department, where he had served on the personnel committee in his department, and found there had never been a woman full professor, although his discipline is in the social sciences in a field studded with competent women. There is absolutely no satisfactory explanation for the fact that there had never been a woman full professor. So I am not moved by his righteous indignation about other departments when his own seems to be an offender. But this kind of blindness pales in comparison to the rationalizations offered by the administrators.

Why do we bring these lawsuits at all, when they cost so much money, they hurt so much, and they get such questionable results? The answers are these: there is nothing else we can do, and by bringing these lawsuits, we do have considerable effect on universities. If nothing else, we have pushed them to improve the writing of the advertisements for job openings and to improve their record

keeping. I have seen a ripple effect. You will find that, if you do your own statistical analysis of the situation here at Cornell, women who are entering now are getting a better shake than those who entered ten years ago or fifteen years ago. Now women who are entitled to be brought in as assistant professors are not being brought in as lecturers while their male counterparts automatically get assistant professorships. I think we have raised their consciousness. Those authorities who review the hiring decisions are worried. Now they don't write an ad that describes only one living human being--one living white male.

With the new self-consciousness and with the bringing in of women at the appropriate level, there is an educational process that goes forward. Men in the chemistry department who never had to work with a woman before now know that the women aren't going to go tripping off, leaving their test tubes, to take care of their babies in six months, leaving the men in terrible straits. Perhaps as women are being hired in places where they have never been before, women will be moving up into the tenured associate professorships and professorships. But I know of no process other than litigating unfair decisions now open to us.

If you are capable, in your department or in your college, of getting what you want and deserve and still avoiding litigation, of course you should. Bringing suit is terribly expensive and draining, but if there is no other course and it is long past time when the university should bring about voluntary change, then litigation is your only alternative. The people who are brave enough to be among the one or two or three out there speaking for all are people who deserve your support, your help, and your assistance. They are fighting a very important battle. I congratulate the Cornell Eleven and all who have made this conference possible.

DISCUSSION

Women Administrators. One participant rose to the defense of the few women administrators who have made their way up through the system, and then, seemingly, won't reach down to help junior women. "Although they may not appear to be helpful," she said, "we have to be understanding. They may

be under great pressure themselves." Another participant commented that women administrators in the SUNY system who choose to challenge the system, for example, on the issue of salaries, are not only taking on their own administration but they are challenging the governor's division of the budget. "It's my perception," she said, "that even the staff in the office of the chancellor of SUNY would be hesitant to do anything sweeping about redressing wrongs because they would need authorization from the people who control the state budget." Women administrators and others are having to operate under guidelines handed down from that level, she said.

To the first, Vladeck said that might indeed be the case, but there is a time to stand up and be counted. That time is when junior women grievants need support from senior women.

To the second, Vladeck said, "The administrators at CUNY also are operating under considerable financial pressure. We have finished the trial on the salary issue there. We are attempting to demonstrate that there is something like a six million dollar difference per year in female and male salaries that can be explained only by discriminatory low salaries paid to females. When we concluded the presentations on both sides, the judge invited both of us into chambers. 'I still think,' he said, 'that you ought to settle this.' The woman representing City University said, 'Indeed not, Your Honor. We couldn't think of it.' The judge responded, 'If I find against you , you have enormous liability. Have you conveyed this to your principals?' 'I cannot conceive of losing,' she answered. The judge said, 'Suppose that you do.' 'We'll appeal at once,' she said. To which the judge said, 'And after you have been to the World Court, what will you do then?'

"The fact is that, very often, government entities, after rational consideration of alternatives, do settle a monetary claim. Surely the chancellor of a state university or a city university has access to money for equity adjustments. Equity adjustments are all that is required to avoid what can potentially be enormous back pay liability. Presented this way, I see no reason why a considered judgment to settle cannot be made."

Awkward Position of Lawyers. A participant observed that attorneys are in a difficult position because they have to prepare two cases at once: first, the statistical argument

and second, the personal cases. Vladeck said that was precisely the problem--that, plus the hostile judiciary. These are the hardest cases, she said, and nobody but dedicated people would take them on. The documentary evidence is in the hands of the opposition. In order to make your case, you have to get access to the records, which are jealously guarded by the defendant. Another problem is that the defendants are frightened people. "In the one individual case which I won in New York State, I went into the appellate division, which is the second level of court, with a defendant who had been denied promotion on the grounds that she was 'pushy' since she had asked to be considered for promotion. She lost in the lower court and, in the appellate division, she was faced by five prominent judges. One of them leaned over to another and said, 'What was she complaining about, anyway? She had a job--and jobs in the academic world are hard to get, I understand.' I was so infuriated that I threw out my arms and said, 'It is going to take two generations of change on this bench before any woman will get a fair hearing.' They didn't wait until I was out of the courtroom before they affirmed the decision of the lower court. One of my proudest moments came when the Court of Appeals reversed them unanimously, saying that people who fight for their rights are often deemed to be troublemakers but that the law does not require that people be supine."

Settlement out of Court. One participant asked the speaker what advice she had for plaintiffs in class actions who were offered settlement out of court. "Settlement is almost always preferable to extended litigation," Vladeck said. "If one is bringing a class action, the remedy sought is not just money, it is changes in practices and procedures as well. If you settle, even for less than everything you want, you get those changes into the system faster."

For individual cases, Vladeck said, the decision whether or not to settle has to be made by the individual woman herself. The effects of exhaustion are usually felt much more severely by the plaintiff than by the institution. The plaintiff is without resources, perhaps low on stamina. The damage to the plaintiff's psyche cannot be ignored. "I have seen women absolutely devastated by the experience of having their ability as researchers or as teachers attacked. They really know that they are good, but then to have their colleagues say, 'Her scholarship was marginal' is a terrible blow.

"Sometimes they say, 'We didn't want to give her tenure because somebody better might come along.' I call that the Doctrine of the Second Coming. The damage to the individual is something you really have to appraise. If it is somebody young, tough, and strong, well, she may be able to go the whole route."

Remarking that that kind of devastation is usually suffered by individuals alone, one participant asked, "Is there any effort to get these women in different departments on different campuses together so that they can help one another bear these sickening disappointments and make these hard decisions?" Vladeck responded that she thought that was one of the purposes of the conference.

"Perhaps we remember our losses better than our wins," Vladeck suggested in response to another question about helping male faculty to accept women as colleagues. She was representing a woman at Staten Island Community College who was claiming that she had not been promoted for discriminatory reasons. A tenured full professor who had sat on one of the committees reviewing her case turned to her and said, "If I could testify on your behalf I would like to do so. The discussion which went on about your candidacy was not what I would call academic judgment." That case was arbitrated--there was a union contract that provided for arbitration--and Vladeck helped prepare the professor for his participation in the hearings. During those discussions, the professor said, "I am not going to testify unless I am ordered to do so by the arbitrator," and explained that his institution has a rule of confidentiality. So Vladeck said to the arbitrator, "Direct the professor to respond." The arbitrator asked the attorney for the college, who said, "Indeed there is such a rule and we enforce it. We bring people up on charges of 'conduct unbecoming a faculty member' if they violate that rule." "I asked the institution to waive the rule of confidentiality so that the professor could testify. The college refused to testify and the arbitrator refused to direct him to violate the rule of confidentiality. We went to the Court of Appeals on that one. The court ruled that when there is a union contract that does not expressly require otherwise, all rules of the institution must be observed. There is no guarantee of due process in arbitration. Even though the rule of confidentiality was upheld in state court,

I don't believe that the rule will stand in federal court," Vladeck said.

Dangers Ahead. In response to a question, Vladeck said she did foresee some losses because of the new Reagan administration. "I don't see any great loss to women and minorities if we lose the Equal Employment Opportunity Commission and all the state administrative agencies. The one thing Governor Reagan had going for him was that these agencies were a great waste of money. The EEOC has done virtually nothing; it certainly hasn't come into this area at all. HEW has been absolutely useless in the last decade since they've had jurisdiction over this area. And the state division? I am sure you all have terrible stories to exchange. They can wipe out the state administrative agencies, as far as I am concerned. What does worry me is that the lower court judges, who have enormous power, the district court judges, anticipating the change in the Supreme Court and anticipating the change in the circuit courts, wanting to make their decisions 'on the right side,' so they won't be reversed, may well be more cautious. On the other hand, they can't be much more cautious than they have been in this area. So we can't lose too much.

Brown Case and University of Minnesota Case. [For a summary of the Brown case, see Preface. At the University of Minnesota, chemist Shyamala Rajender was denied a tenure-track post in 1973. She filed a sex discrimination suit that was later certified as a class action. In 1980, after eleven weeks of trial, the court awarded Rajender $100,000; in addition, a quota was imposed on the chemistry department and a "special master" was appointed by the court. That person is to resolve all past or future sex discrimination claims, to award cash damages or faculty positions, including tenure, and to oversee hiring at the university until 1989.] Why were these cases so successful? Vladeck opined that in the Minnesota case (1) there is a federal district court judge in the Minnesota area who is both liberal and intelligent and (2) the institution is comparatively small so that it was easy to demonstrate male-female differences in status and rank.

"As for Brown," she said, "there are lots of stories about why the university settled. There are rumors. But one explanation is that there were documents and other kinds of evidence that the university did not want to have

made public. I do not know the full story, but I do know that the settlement has not yet been fully implemented, so that it is still in litigation. Incidentally, these are not spectacular cases. What will be spectacular is when a major university agrees to voluntarily change its practices and procedures."

The CUNY Case. "At the City University of New York," Vladeck said, "there is a substantial pay gap between the men's average salary and the women's average salary. That is acknowledged by all. But when the university set out to prepare its defense, it sent out a questionnaire. The questionnaire had some two hundred questions of which some were not objectionable: Where did you do graduate work? What year did you complete your degree? What year were you hired here? What prior experience did you have? What research have you undertaken? How many books have you published? Research articles? Nobody could quarrel with that.

"The next set of questions dealt with family. What are the ages of your children? What is your spouse's occupation? If your spouse had a job offer in another place, would you be willing to relocate? Then there were questions (literally) asking what time the respondents get up in the morning and what time they go to bed. How much time do you spend in household chores? In child care? In meditation, encounter therapy, and--I think--yoga? I thought this was an outrageous invasion of privacy.

"When I saw the copy of that questionnaire, I went to the judge and said, 'You can't let this happen.' The judge asked the city, 'What is this all about? Why are you asking these questions?' They believed that the answers to these questions would help them to demonstrate that there is a difference in productivity between males and females, and the judge, not understanding this, said, 'Well, they are your employees, you can ask them anything you want to.' The women did not rise up in a body in protest against this questionnaire. I couldn't say to them what I wanted to say: 'Idiots! Don't answer those questions.' Many men did not answer them, but ironically, great numbers of the women did. The response required a signature, and although it was not obligatory, the cover letters describing it as "voluntary cooperation" with the researchers collecting data for the forthcoming litigation were so unclear that many women claimed not to have understood them.

"Vast numbers of women responded to these questions, spelling out meticulously the 2.3 hours they spend in, let's say, encounter therapy each week. Men turned out to be more resistant to these questions. Most interesting of all, the results were such that the statisticians couldn't use them, so absolutely inconclusive that they had no meaning. They had all these data, and they couldn't extract anything meaningful from them. There didn't seem to be any significant differences between the men and the women in any of the variables."

Alternate Forums. In response to a question, Vladeck said she would like to see alternate channels for the resolution of grievances because she feels that the court is not the appropriate forum for resolving an individual case. But she didn't believe that the forums developed under union contracts are appropriate. She based this, she said, on her limited experience. "I don't believe that most arbitrators, who are not required to be lawyers, are qualified. I also believe that arbitrators who regularly deal with the university are not likely to be sympathetic to the woman or the black who says, 'This institution has mistreated me.' Arbitrators begin to develop an identification with the establishment," Vladeck held.

"I believe," Vladeck said, "that there are modifications of the classic labor arbitration that could be developed for use in these cases. What I would like to do is to first reach agreement that there is a problem and then bring in, with the agreement of both sides, a neutral. If the grievant is a woman, then she doesn't have to begin at ground zero, setting out to prove that there is discrimination against women at her institution. While I am not aware of any such mechanisms operating effectively at present, I do not think it is beyond our ingenuity to develop some."

Internal Appellate Procedures. "Supposing you were advising the university instead of the grievants," one participant asked, "what kind of internal appellate procedures would you advise them to set up?" Vladeck answered that there should be designees of the university and designees of the grievants serving as an appellate body. There should be a final step, a neutral. It would almost be the old tripartite arbitration system, but in two steps.

The appellate body then has control outside that of the jurisdiction of either of the contending parties.

In setting up that system, Vladeck said, there has to be consultation with potential grievants and with the administration of a university. It is an adversary procedure. You have to have agreement on both sides that, if they cannot themselves dispose of the issue, there is some outside neutral party on whom they will rely and whose decisions will bind them.

This is tricky because within the university it is the conviction that departments decide who they want to hire and promote. But at City University, Vladeck noted, there has been formed what is called under the collective bargaining agreement the Select Faculty Committee representing both sides; that committee in turn has the power to select a third party.

If the institution is not willing to cede enough sovereignty to a neutral to resolve these disputes, then, Vladeck asserted, they must go to court. As a compromise, then, the two sides can decide on their neutral so that they are not dependent on the whim of a judge in their district. They can choose somebody who has familiarity with academic procedures and academic establishments. This requires, of course, that the university concede that somebody outside itself might be superior to it. That concession may prove to be the insurmountable obstacle.

A faculty member asked how neutrals are selected. Vladeck noted that a neutral does not necessarily have to have had no prior association with the employing institution. "I could conceive of a professor or a former administrator of the university being a neutral," she added. "What you look for in a neutral is the quality of honesty, the willingness to listen to the testimony, and the ability to make an even-handed decision. Find the local rabbi, the priest, or the retired provost," she suggested. "You would be satisfied that they are people above reproach whose probity you would not question."

Grievances. A participant asked if an institution is covered by a union contract, could a grievant use both the union grievance procedure and the EEOC procedures? Suppose an arbitrator rules that there has been no discrimination, can the grievant still take her case outside?

The answer, Vladeck said, is yes: "You are not bound by the decision of an arbitrator or to any decision reached

by the state human rights division or the EEOC. Even if these agencies decide there is no probable cause to believe that sex discrimination has taken place, you can still go into federal court. There is a Supreme Court decision to that effect, Alexander v. Gardner Denver, which says that the federal court has plenary power; it will not be barred from looking at any decision reached through arbitration. That was the case of a black man who claimed race discrimination. He had lost in arbitration, and the EEOC had bowed to the arbitrator's decision. The Court said, 'We might look at what the arbitrator decided, but we will not be bound by it.'

"The practical result is that, if you are undertaking a union grievance, you will find that it will proceed slowly. If you are going to meet the time requirements, which is now 240 days for filing with the EEOC, the chance of your having a resolution of your grievance through the union grievance procedure is limited. There are contracts which say that if a grievant goes to EEOC, you may not arbitrate; employers are saying, "Why should we have to litigate on two fronts." Some women have lost because they believed that they could go through arbitration and then, if they had received no satisfaction there, they could still go to the EEOC. But they have sometimes discovered that, by the time they got to the EEOC, they were time-barred.

"There is another consideration: this is exhausting work. You may not want to do it unless you have confidence in the first forum, which may serve as a rehearsal for what you can expect the next time around. But I cannot imagine a grievant voluntarily doing it more than once."

It was noted by a member of the audience that, if one goes through a union grievance procedure, the union ordinarily pays the lawyers' fees. But, she noted, "we have no sex discrimination clause in our grievance procedures." Could there be a clause in a contract, she asked, that protected both the grievant's right to arbitration on sex discrimination and also her right, should that fail, to file with the EEOC? Vladeck allowed as how there could be such a clause and composed one handily: "The arbitration provision shall include any claim of discrimination based on race, color, religion, or sex. In the event that the grievant who alleges such discrimination files with a government agency, the arbitration

process may still be invoked; but filing to preserve timeliness with a government agency shall not influence the arbitration process."

2.

Building Mentorship Frameworks as Part of an Effective Equal Opportunity Ecology

Mary P. Rowe

Educational institutions, government agencies, corporations, and other organizations can help build mentoring frameworks for women and men. This paper discusses five major points in building institutional devices that help women find the multiple sources of help which many people think of as mentorship and which are now seen by many people to be indispensable for career success.[1]

Each of these points may be seen as necessary, but not sufficient by itself, to establish the supportive ecology in which excellent mentorship is available to women (and men). My own view is that the barriers to adequate mentorship for women are sufficiently high that a successful framework requires energy from many sources: creative support of top management, women's networks, close relation between top management and the networks, receptive individuals seeking helping resources, and specific programs tailored to each kind of worker in each kind of organization. Each of these energy sources

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Mary Rowe could not be present at the conference. Her paper was read for her by June Fessenden-Raden of Cornell; discussion afterwards was led by Fessenden-Raden and Bernice R. Sandler.

1. In this paper, I use mentor in its widest possible meaning to refer to coaching, guidance, sponsorship in the context set forth by Garrison and Davis, master's thesis, MIT Sloan School, 1979, and by Shapiro, Haseltine, and Rowe in Sloan Management Review, spring 1978.

has its own role to play; all are needed for an effective equal opportunity ecology.[2]

LEGITIMATION AS WELL AS LEADERSHIP

Whatever the institution or agency or corporation, the top administration must announce and then exemplify commitment to equal opportunity. In formal and informal situations top management must be seen to have a coherent, consistent policy. This policy should appear frequently: in annual reports, in policies and procedures or the by-laws, in recruitment manuals, in after dinner speeches, and in hallway conversations. The policy should explicitly include discussions of providing multiple helping resources for women as a matter of organizational policy.

This frequently announced commitment from the top is important for several reasons. Obviously all important organizational policies will be enunciated from the top in every significant organization, and equal opportunity must be seen to be important if it is to work.

Appropriate male-female relations at work must be legitimated. Traditionally socialized men and women may have very mixed feelings about whether it is really moral and proper for women to succeed in paid employment. Moreover whether or not an individual feels women should be equally successful as men, there may be discomfort or hesitancy about equal paths to success. A senior man (or woman) may cause adverse comment if he (or she) takes on a person of the opposite sex as a protégé. Senior people will feel free to become excellent mentors on a cross-sex basis only if their own bosses expect this to occur as part of excellent work performance.

Responsible, effective leadership in encouraging senior people to be mentors of course requires that a top administration encourage mentorship of all junior people. I do not recommend a separate special guidance program for women. Special programs of this kind are of questionable legality and morality and often lack long-term credibility and influence. What women do need is an explicit legitimation of their equal right to guidance and sponsors. They also frequently need the

2. Elsewhere I have written of two other institutional structures I consider indispensable to establishing an effective equal opportunity ecology: nonunion grievance procedures and a 1:1 recruitment system.

extra supports provided by women's networks and specific attention to women within general programs.

FOSTERING RESPONSIBLE NETWORKS OF WOMEN

As part of the organizational policy on equal opportunity and as an integral part of building mentorship frameworks, responsible women's networks should be encouraged. Grass roots networks of this kind have been repeatedly shown to be indispensable to sustained progress for blacks and women. Intraorganizational and interorganizational networks share information, provide mutual support, teach skills, and function as informal channels for inquiries and grievances. Such networks may provide the only reliable information on equal opportunity concerns that reaches top administrators. They will let top management know quickly which helping resources are most needed and where. Women's groups tend also to cool out socially irresponsible members, while providing leverage to those with responsible concerns and complaints. Finally, these groups are efficient at providing role models as well as sponsors for their members, even in organizations where there are only a very few senior women.

MAINTAINING CLOSE RELATIONS BETWEEN WOMEN'S NETWORKS AND TOP ADMINISTRATORS

Networks of women do grow, whether or not they are encouraged. Where they are fostered and respected and consulted, they are a powerful force for nonpolarized and steady progress. Covert, defensive groups, on the other hand, tend to polarize issues because they can see no alternatives. Then mentorship, coaching, and role models can become quite negative factors as polarization increases. Polarization often leads to backlash, and damage from backlash, of a kind many people would prefer to avoid. Moreover, covert networks cannot function efficiently to prevent trouble by an orderly presentation of concerns and grievances. Individuals who have serious complaints need clear channels for presenting their concerns if they are not to turn to the courts and other methods of taking things in their own hands.

Maintaining close communications between the top and the women's networks permits each group to learn from the other. Male managers learn what women want and need and what their special concerns are. Women learn

what is realistically available to them, about budget constraints; they learn how to focus and balance their own issues in a general perspective, and how the system works.

TRAINING OF WOMEN TO FIND THEIR OWN SOURCES OF HELP

Feminists have long discussed the importance for women of their taking responsibility and having some control over their own careers. In practice this is also the only effective way of finding adequate mentorship for women. The best framework for women to learn what they need to know about productive and successful careers requires that all junior women be specifically taught and encouraged to seek their own guides and sponsors. Junior women will be able to find adequate mentorship much more easily if it is legitimated and fostered by top administrators and women's networks. But it is also critical that they themselves be receptive, that they seek out the guides, sponsors, and coaches they need to reach their goals. Junior women can be taught to do this by written guidelines, workshops, senior people, supervisors, and each other. (See Appendix A: Go Find Yourself A Mentor, for an example.)

BUILDING SPECIFIC MENTORSHIP PROGRAMS

Specific programs to encourage sponsorship, guidance, and coaching are vital for employees everywhere, and for faculty and students as well, in educational institutions. Mentorship programs should be designed:

1. for everyone, male and female, minority and nonminority, good performers and poor performers, faculty, staff, students, and employees, and there should be specific safeguards to be sure such programs work at least equally well for women and minorities;
2. around a performance evaluation program;
3. with a component to be sure someone is teaching women and minorities to seek and be receptive to mentorship, so that mentors and protégés are seeking each other simultaneously;

4. uniquely for the needs of each different institution, each different pay classification, each type of student.

A good mentorship program should be for everyone. For example, in a university the concept of mentorship needs to be developed for employees, especially support staff, as well as for faculty and students. Mentorship must be a part of the local ecology, an attitude toward everyone, a part of a systematic framework of support for career development and lifetime growth for everyone, or it will not be effective for minorities and women, who are usually located in inferior positions. Eroding occupational segregation requires that powerful levers for change, like mentorship programs, extend across pay classification lines.

Programs need to be for white males as well as for minorities and women. Most people find general programs more acceptable, more likely to be considered legal, and more easily understood. General programs are also necessary to create a systematic framework for emphasis on career development. Also, the most effective mentors in any given environment are likely to be people who are indigenous to that environment. White males are probably the most influential mentors in a research university, black females may be the best mentors in an inner city day care center, and so on. Thus the enthusiastic support of white males for the mentorship program in a university will be very important for everyone. Equal effectiveness for minorities and women can be fostered by having programs designed and monitored by minority and female staff as well as others, but the programs need to be general.

Programs should be for poorer performers as well as good ones. For example, it is vital to provide guidance for junior faculty who are good enough to be promoted and tenured, but it is even more important to provide excellent mentorship for junior faculty who will not be kept. Every such person should leave the college or university to a good job, having been helped by mentors to plan realistically and successfully for the future. Such support means that those who leave will continue to speak well of the original institution, which is important for recruiting. Peaceful severance means lower costs for the original institution, and, most important, going to something, rather than being

rejected, enhances the life of the individual who must leave, instead of causing pain and damage.

A good mentorship program should begin with a discussion for every junior person with his or her supervisor, e.g., faculty advisor, department head, twice a year. Corporations usually have some kind of regular performance appraisal system; universities often do not provide even this much feedback and support to junior people.

An adequate performance appraisal or mentorship discussion should include at least the following points:

1. Where has the junior person been doing well?
2. How could he or she do better?
3. Where does the supervisor or department head think the job is going? (What will the needs of the department be?)
4. What does the junior person want from the future? What skills are being used? How would this person like to grow on the job and in future jobs?

For faculty members, these discussions should include frank appraisals of the possibilities for promotion and tenure, sources of grant funds, identification of possible mentors around the country or around the world, and so on. For administrative and research and support staff, these discussions should be specific and detailed as to strengths and weaknesses, other possible sources of help, potential career ladders.

Supervisory feedback should thus form the backbone of mentorship programs in every institution. Few institutions and especially few universities have made sure that career development for junior people is a major and mandatory component of performance evaluation discussions.

Institutions should identify people who can work with junior members of the community, to teach them how to seek adequate advice and mentorship. Women and minorities particularly need to have someone who will legitimate and foster their search for adequate guidance--a dean, an assistant to the president, a vice president for personnel, or any other senior person.

The purpose is to create an atmosphere in which the institution requires senior people to give guidance and encourages junior people to seek guidance. It is only in such circumstances that cross-sex, cross-race diffidence on both sides will be transcended, and that minorities and women will get adequate sponsorship.

Some institutions simply assign mentors on a first-year or permanent basis. Temporary assignments can be very helpful, but I believe long-term mentorships work best, at least in universities, if they develop naturally in a context where both parties are supposed to be looking for each other. I recommend that, instead of assigning mentors, an institution assign a few people to teach the acquisition of mentorship to juniors while monitoring performance evaluation by seniors.

Good mentorship programs should be built around the specific needs and customs of each organization to specifically accommodate different kinds of employees and students. For example, guidance and support to people in postdoctoral positions must occur within the customs of each different discipline and be tailored to a specific university's expectations of principal investigators. Mentorship for administrators in a small college may require someone with considerable knowledge of the regional labor market. A person who is teaching junior faculty to develop their own mentors must be finely tuned to different practices in each discipline. Custom tailoring in this way is not particularly difficult; in fact it is easier than trying to graft a mentorship program from one institution onto another. Usually there are very successful people in each field who are glad to be able to advise on how programs should develop in their own laboratory or department or agency.

Institutions that show leadership in this new area have everything to gain. Doubling the available pool of skills and abilities is vital to the success of most organizations. In addition most institutions employ and serve women. They can do so more profitably and efficiently by understanding better their female employees and clients. If they do so ahead of their competitors they can gain an enviable reputation that lasts for generations and helps to continue attracting the ablest faculty and employees, students and clients. As we plan for coming years, the practice of true equal opportunity is patently less costly, in terms of litigation, emotional damage, and other problems. Since mentorship frameworks appear to be as important for women as they always have been for men, institutions stand only to gain by building such frameworks in an orderly, responsible fashion.

DISCUSSION

Support for Junior People. One participant noted that MIT differs from many other institutions of higher education in its philosophy of hiring. Because there is no fixed number of tenured positions at MIT as there is elsewhere, each person appointed to an assistant professorship could potentially achieve tenure. The question is how can that person's colleagues help him or her make the grade. At other institutions, in contrast, the six-year trial period is often just that, a test to see whether or not the person can make it. This makes an extraordinary difference in the kinds of help extended to a junior person.

Bernice Sandler concurred. "If a person is hired with the expectation that he or she will make it, then the mentor relationship is much more likely to develop between that person and the senior colleagues," she said. Sandler observed that mentors are not annointed or, as a rule, appointed. The protégé has to take the responsibility for finding a mentor and asking for help. Also, she noted, sometimes no mentor can be found. Either the people are too busy, or you can't find them, or there is some other obstacle. There are alternative ways of getting information and help, she said. In the women's movement, women advise one another as equals, sharing technical information on proposal writing, for instance. There are other support groups and sources of information, as well. She suggested that perhaps the first step is to define the kinds of things one needs to know. One can approach a mentor to help answer that question, to say, "I'm going to be here for the next couple of years. What are the kinds of things I ought to know and learn?" You could list some and ask if you missed any, Sandler said.

Sex Roles and Mentors. A participant noted that older males are sometimes leery of taking on a young woman as a protégé for fear their relationship will be misunderstood. Fessenden-Raden and Sandler concurred that this can be a problem. Fessenden-Raden pointed to the emphasis in Rowe's paper on legitimizing the relationship to avoid that kind of criticism. Every person at the conference, Fessenden-Raden guessed, had had the experience of having lunch with a member of the opposite sex and having a colleague come along and make some kind of wise remark. We have, also, the dramatic case of Mary Cunningham whose meteoric rise to a vice

presidency caused such upheaval at the Bendix Corporation. This underlines the importance of the top managers saying, "We expect this kind of interaction." Fessenden-Raden added that it seems important for a protégé to get to know his or her mentor's family. (Several participants noted here that Mary Cunningham had in fact done that and it had not helped her any.)

Sandler also commented on the Cunningham case, noting that (1) she was not fired because she had a mentor. She resigned because she moved up through the ranks very very quickly and that had engendered hostility and political struggles among those she had overtaken and passed. (2) The second interesting aspect of Mary Cunningham's resignation was the amount of controversy it provoked. The Washington Post and the Washington Star both had articles by Gail Sheehey; there were letters to the editor; editorials were published. Interesting questions (perhaps not interesting to Cunningham but to others) were raised, such as "If she had been ugly, would this have happened? What happens to a woman who becomes the first woman promoted to that level?" Both women and men have been talking about these issues and that's good. Cunningham herself is sturdy and she has had, Sandler noted, many, many job offers.

Other Problems with Mentors. What do you do, one participant asked, if your mentor is a dud? Sandler responded that your mentor does not have to be a star. Mary Rowe mentioned "multiple resources" in her paper; one can also think of "multiple mentors," Sandler said. If a person can give you advice and help on some subject that you care about, you should make that person your mentor even if nobody else thinks his or her expertise is worth anything. To be sure, that person can't give you counsel on how to move up in the system since he or she hasn't gone that route. But that person may have some valuable insights because he or she has seen the system from a perspective different from those of people who are desperately trying to make it in the system. It isn't always good to choose a mentor because he or she has the appearance of success. The issue is, What can that person tell you that will help you? And how can you repay that? Not by giving it back to your mentor, but by being a mentor to someone else.

Sexual Harassment. A graduate student brought up the problem of establishing a relationship in an all-male department trusting enough to discuss problems such as incidents of sexual harassment. Both Fessenden-Raden and Sandler acknowledged this as a real problem. Fessenden-Raden suggested looking outside one's own department for a woman faculty member--even if she is not tenured--for counsel or, alternatively, turning to a male faculty member and getting to know his family. Sandler advised defusing the sexual aspects of a relationship by not going to a mentor by oneself. Two or three or more women could go to a male faculty member and ask him out for a beer. Once out, you can convey to him that you need his help professionally and that you are not interested in him as a sexual object. A second possibility is to choose a faculty man who is both (1) respected in the department so people will listen to him and (2) sufficiently sensitive to be educable in these matters. Two or three of you go to him and tell him the problem. You might begin by saying that you know the department cares about women because you are there, but that the women need and want the kind of help mentors give. Ask his advice on how to approach the department on this issue.

The student responded that she felt that, if one has a problem with sexual harassment, one would feel most comfortable in going to a woman for counsel as to how to handle it. Sandler concurred, noting that one probably shouldn't seek out a male mentor to resolve this problem. If one has a mentor already, he could give comfort and advice, however. Her project, she noted, has written a paper on this subject.[3]

Multiple Mentors. A tenured woman noted that she had never had a problem finding mentors in part because she defined the issue the way Rowe's paper advises: multiple sources. She approached her department (in a college of home economics that had, at that time, all male full professors except for one female who had come through the extension division) in the belief that individuals would be willing to help her. They were. She had some mentors

3. This paper and others on related subjects are available from the Project on the Status and Education of Women, Association of American Colleges, 1818 R Street NW, Washington, D.C. 20009.

who provided technical assistance with papers and research, she said, and others to whom she turned for help when in emotional trouble or when needing advice on strategy and tactics. A tenured male faculty member commented that the mentoring relationship had never been studied from the perspective of the mentor. Who are these mentors? he wondered. This question is addressed by the Garrison and Davis master's thesis for the MIT Sloan School. The faculty member also cited a book by Levinson, The Seasons of a Man's Life, that defines mentorship as a stage in one's development.[4] An interesting question might be the "rise and fall of a mentor," he noted. How do mentors learn to be able to let their protégés go?

A particular problem for which mentorship might not be a viable solution is the way in which women's studies research is defined, one student noted. Sandler concurred. When she had wanted to undertake studies of women, she was told that that was not "real research," she said. An individual mentor cannot perhaps help one to solve that systemwide problem, she said.

Mentorship should provide information about jobs available, one participant noted; a second said another key component is the sharing of information about financial resources available. Fessenden-Raden noted that an individual can have mentors in different departments, in different universities, even in different countries. Sandler added that some mentor relationships can be short-term and others longer. One could meet a mentor just once or perhaps only several times--or one could turn to him or her for the rest of one's life. Mentorship is, a participant concluded, teaching in the very highest sense. A conference like the present one provides an opportunity to not only find a mentor but to be one.

4. Daniel J. Levinson et al., The Seasons of a Man's Life (New York: Alfred A. Knopf, 1978).

3.
Grievances and Their Redress in the Eighties

Helen C. Davies and Robert E. Davies

HISTORY

At the turn of the century women represented 8 percent of the full professors at the University of Chicago whereas in 1968-69 only 2 percent of the full professors were women.[1] The records of the mathematics department of the University of California at Berkeley show that in 1928 women held 20 percent of the tenured or tenure-accruing positions. In 1938 the figure was down to 11 percent; in 1948 it was 7 percent; in 1958 it was 3 percent; and in 1969 it was zero.[2] During the period from 1920 to 1929, 10 percent of the doctorates in mathematics awarded by the department were received by women, and between 1960 and 1968 the figure was 6 percent. Of the approximately four thousand

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This contribution reviews the highlights of and updates a paper given in 1978 at a conference sponsored by the New York Academy of Sciences and the Association for Women in Science Education Foundation. H. C. Davies and R. E. Davies, "Redress of Grievances," in Expanding the Role of Women in the Sciences, A. M. Briscoe and S. M. Pfafflin, eds., Annals of the New York Academy of Sciences 323 (1979):197-209.

1. P. A. Graham, "Women in Academe," Science 169 (1970): 1284-90.

2. Science and Government Report 1 (Daniel S. Greenberg, June 1, 1971), 1.

full-time staff in chemistry departments in this country offering doctoral studies, the number of women in 1974-75 was 88 or 2.2 percent.[3] In the latest survey the American Chemical Society reported that during the 1978-79 academic year 129 women were assistant professors or above on these faculties, representing 3.0 percent of the total.[4] By contrast, 11 percent of Ph.D. graduating classes over the past ten years were women (180 per year). Of the total of 188 doctorate-granting chemistry departments in 1978-79, 96 had no women. In 1978 Nixon, a past president of the American Chemical Society, reported that there were only 19 full-time women chemistry professors in the whole country and only one in the Ivy League schools, our colleague Madeleine Joullié of the University of Pennsylvania.[5]

A major problem has been the long history of actions that have been perceived differently by most males and most females or have been embedded in generally accepted societal values. Many engineers, chemists, veterinarians, and mathematicians were convinced beyond rational argument that theirs was a male profession and only the most unusual women could enter and be successful. The existence of "old boys' networks," the ready assumptions that a search committee should find the best man for a position and that women were incompetent, not serious, and should be at home all helped perpetuate the present discriminatory situation. This view is what Naomi McAfee termed "an old husband's tale."[6]

3. A. C. Nixon, "Changing Attitudes towards Women in the Profession of Chemistry," in Expanding the Role of Women in the Sciences, A. M. Briscoe and S. M. Pfafflin, eds., Annals of the New York Academy of Sciences 323:146-72.

4. Chemical and Engineering News, June 2, 1980, p. 28.

5. Nixon, "Changing Attitudes in Chemistry."

6. Stated during McAfee's presentation to the 1978 conference Expanding the Role of Women in the Sciences, but not published in her paper.

The beginning of the turnabout for women came with the passage of the federal law protecting them against sex discrimination in 1964 when Howard W. Smith, chairman of the Rules Committee of the U.S. House of Representatives added the word sex to Title VII of the Civil Rights Act. Although widely accepted as a joke and as a device to divide the liberals and prevent the passage of the bill, Title VII became law.[7] The federal laws and regulations concerning sex discrimination in educational institutions are Executive Order 11246 as amended by Executive Order 11375, Title VII of the Civil Rights Act, the Equal Pay Act of 1963, Title IX of the Education Amendments of 1972 (Higher Education Act), and Titles VII and VIII of the Public Health Service Act.[8] Under Executive Order 11246 as amended by Executive Order 11375, affirmative action plans including "numerical goals and timetables are required of all contractors with contracts of more than $50,000 or 50 or more employees."

Until the passage of this legislation it was virtually impossible to obtain redress of grievances brought on the grounds of sex discrimination since nobody had or has the right to an appointment, promotion, or tenure. Nowadays, at least when appointments and promotions are made, the law requires that they should not be discriminatory with regard to sex, race, creed, age, handicap, and so forth. This also applies to salary levels.

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7. C. Bird, Born Female (New York: Pocket Books, 1971).

8. A chart of these laws has been prepared and updated (June 1977) by the Association of American Colleges' Project on the Status and Education of Women. Federal Laws and Regulations concerning Sex Discrimination in Educational Institutions (Washington, D.C.: Department of Health, Education and Welfare, Office for Civil Rights, 1977). Also a very fine discussion of the laws may be found in B. Sandler, "A Little Help from Our Government: WEAL and Contract Compliance," in A. S. Rossi and A. Calderwood, eds., Academic Women on the Move (New York: Russell Sage Foundation, 1973), pp. 439-504.

SUBSTANTIATION OF SEX DISCRIMINATION

In order to substantiate a claim of sex discrimination a first step is to look for evidence that women are discriminated against at the hiring level in the institution concerned. There is empirical verification of sex discrimination in hiring practices in the scientific academic community. In the field of psychology, for instance, Fidell has shown that academic departments of psychology in 1970 discriminated on the basis of sex.[9] In this study either of two forms, A or B, was sent to the chairman of each of 228 colleges and universities. Each form described the professional history of hypothetical psychologists, and the chairmen were asked to judge the candidates' chances of getting a position. Forms A and B differed in that some of the candidates who were women in one form were described as men in the other and vice versa. The chairmen's responses were such that the modal level of potential offers of position for the women was assistant professor, while for the men it was associate professor. Only the men would have been offered full professorships.

In another study made in 1968, Simpson submitted pairs of resumés to administrators with the descriptive material held constant and the names and photographs of women and men alternated on the two forms. He reported that deans, chairmen, and faculty in selected academic fields at six institutions in Pennsylvania rated the men higher than the women.[10]

In 1971 Lewin and Duchan did a similar study of chairmen of graduate departments of a physical science discipline in institutions of higher education. The chairmen preferred an average male over an average female, but did recognize a clearly superior woman candidate. A significant number of unsolicited comments were returned with the questionnaires accompanying the resumés of the women. The chairmen expressed concern about the fate of the applicant's husband and children. They were also concerned with her compatibility

9. L. S. Fidell, "Empirical Verification of Sex Discrimination in Hiring Practices in Psychology," American Psychology 25 (1970):1094-98.

10. L. Simpson, "A Study of Employing Agents' Attitudes toward Academic Women in Higher Education" (Ph.D. dissertation, Pennsylvania State University, 1968).

with their department members, leading the authors to state that women faculty in the physical sciences may be evaluated on the basis of different criteria than are men when they compete for academic positions.[11]

Marcus held in 1976 that despite the recent widespread use of advertisements for academic positions the network approach is still the most important recruitment means in academe. Since the network among senior faculty is predominantly white male, the persistence of this approach as a major technique for identifying promising candidates inevitably leads to a disproportionate hiring of protégés who are also white and male.[12]

To substantiate further the claim of sex discrimination, evidence should be obtained showing that the number of women hired and promoted at particular levels in a given department is not proportional to the number of women with advanced degrees and appropriate experience in that field. The basic source of our faculty is the pool of scholars who have earned doctorates in the United States. There is ample statistical information on this pool.[13] In an example of the use of availability figures,

11. A. Y. Lewin and L. Duchan, "Women in Academia," Science 173 (1971):892-95.

12. L. R. Marcus, "Has Advertising Produced Results in Faculty Hiring?" Educational Record 57, 4 (1976).

13. See H. S. Astin, "Career Profiles of Women Doctorates," in A. S. Rossi and A. Calderwood, eds., Academic Women on the Move (New York: Russell Sage Foundation, 1973), pp. 139-79; Minorities and Women in the Health Fields, DHEW Publication (HRA) 77-22 (Washington, D.C.: U.S. Department of Health, Education and Welfare, Public Health Service, 1975); E. Burnett, Doctors Degrees Conferred by All U.S. Institutions: By State, Academic Field, Sex, and Institution 1964-65 through 1973-74 (Washington, D.C.: U.S. Department of Health, Education and Welfare, Office of Education, 1975); Manual for Determining the Labor Market Availability of Women and Minorities (Washington, D.C.: U.S. Department of Health, Education and Welfare, Office of the Secretary, Office for Civil Rights, 1974); Manpower Resources for Scientific Activities at Universities and Colleges (Washington, D.C.: National Science Foundation), 1975); B. M.

data produced in a study of the coeducational University of Pennsylvania by a committee on the status of women in 1971 showed that in the college there were 164 male full professors and no women full professors.[14] Of eighty-eight departments, forty-eight had not one woman. Using the information on the number of doctorates earned in the respective fields of study for the appropriate years as an estimate of the proportion of qualified women in each discipline, a comparison was made with the proportion of faculty women found in departments at the university. Out of thirty-three departments for which this comparison could be made, twenty-six had less than the expected figure. Even ignoring the fact that most of these departments had no women at all, the probability of this distribution occurring by chance is 6.6×10^{-7}.

Of course it is helpful in substantiating a claim of sex discrimination if the women is Superwoman, has an outstanding publication list in first-rate refereed journals either as first or sole author, has been extensively cited, and is widely recognized. The problem is greater for the merely excellent and good women compared with the equivalent men. The present professoriat, chairpersons and external referees, promotions committees, deans, and provosts' staffs are overwhelmingly male. Although they nowadays usually deny any sex bias, the results of their actions do not satisfy most women in academe.

CRITERIA

In 1973 a committee of the Women's Faculty Club at the University of Pennsylvania examined virtually all

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Vetter, Supply and Demand for Scientists and Engineers--A Review of Selected Studies (Washington, D.C.: Scientific Manpower Commission, 1977); Doctoral Scientists and Engineers in the United States 1975 Profile (Washington, D.C.: National Research Council, National Academy of Science, 1975).

14. "Report of the Committee on the Status of Women, Women Faculty in the University of Pennsylvania: Parts 1, 2, 3," Almanac, University of Pennsylvania, April 13, 20, 27, 1971.

the possible ways of determining excellence or quality in academe and decided that nearly all of them had a strong built-in sex bias. Even now most of them still have a sex bias. A list of these criteria follows.

Personal and Professional History

1. Present rank and title. At what college or university. Rate at which the person progressed through the ranks.

2. Where the doctorate or other professional degree was obtained.

3. Membership in important departmental, school, and university committees. Holding an office on these committees.

4. Administrative responsibilities in the university.

5. Serving as a consultant, specialist, advisor, trustee to universities, hospitals, federal, state and city agencies, industry, foundations, etc.

6. The integrated assessment of colleagues concerning one's standing in the field.

7. Invitations to accept posts at other universities or equivalent outstanding institutions.

8. The contents of letters of evaluation written especially at the time of appointment or promotion.

9. Appearance of one's name in American Men and Women of Science, Directory of American Scholars, World Who's Who in Science, Who's Who, etc.

10. Membership in prestigious state and national professional societies and academies; holding an office in these societies.

Teaching

11. Evidence of good teaching based on evaluation of present students, past students, faculty.

12. The receiving of local and national awards and prizes for teaching.

13. Being assigned responsibility for advanced teaching, more specialized clinical duties, etc.

Scholarship and Research

14. The number and quality of papers, monographs, chapters in books, books, etc., published.

15. Papers published in good refereed journals, especially those with high rejection rates. (This should include citation frequency and impact factors, if possible, of the journals).

16. Number and type of citations of published papers.

17. Citation rate of each when compared with other people of comparable academic rank, in a similar discipline.

18. Number and quality of papers representing independent work--not with more prestigious authors.

19. Citation rate for such papers.

20. Citations in Annual Reviews of..., Advances in..., Progress in..., etc., and textbooks.

21. Number of papers presented at professional meetings by one's own decision.

22. Number of patents issued.

23. Having grants from National Institutes of Health, National Science Foundation, National Endowment for the Humanities, American Council of Learned Societies, etc. The amounts and frequency of these grants.

24. Invitations to give lectures at: other universities, national meetings, international meetings of societies, congresses, symposia, etc.

25. Invitations to write reviews of books or topics in important journals.

26. Being asked to be chair, discussant, organizer, keynote speaker at professional meetings.

27. Receiving honorary degrees, awards, prizes, medals, etc., from state, national, and international bodies.

28. Having methodological, chemical, surgical, etc., procedures, formulae and operations, etc., named after one.

29. Performances of one's plays, operas, and exhibitions of works.

30. Request rate for reprints from many states, countries, continents and different departments in and peripheral to the appropriate academic areas.

31. Reviews of one's books.

32. Invitations to act as referee for papers in important journals.

33. Invitation to be editor or member of the editorial board of appropriate journals.

34. Serving on study sections at the National Institutes of Health, etc., for reviewing grant applications.

35. Number of students who take research degrees with the person concerned.

36. The history of these students after graduation. How many have become professors, etc.

Other

37. Involvement in community activity, business, and other nonacademic experience.

Citation analysis is becoming more widely used to assess scientific work, and the recent availability of

the Social Science Citation Index and the Arts and Humanities Citation Index in addition to the Science Citation Index will make this technique more widely available.[15] With many appropriate precautions the number of citations a paper receives in leading scientific journals can be taken as a measure of the use and importance of the work. With these precautions and an allowance for joint authorship, the citations to a paper represent an evaluation of the work by the totality of publishing scientists and thus form an objective measure of what has been variously described as the "effectiveness," "impact," "importance," "eminence," "influence," "quality," "significance," or "utilization" of the work. Much of the evidence for these claims is gathered in a paper entitled "Life-time Citation Rates to Compare Scientists' Work" by Geller, de Cani, and Davies.[16] These papers give a method by which the citation history of most new and old papers can be compared quantitatively and thus the scientific work of most young and older professors may be fairly compared. As J. A. Virgo wrote, "Citations actually reflect a consensus of a large group of readers as compared to the evaluation of a single individual." She also noted, "Those articles judged important by subject experts tended to be those cited frequently in the subsequent literature while those judged to be less important were those papers which had rarely been cited subsequently or had never been cited at all."[17] Meadows claimed, "The best

15. Science Citation Index, Social Sciences Citation Index, Arts and Humanities Citation Index (Philadelphia: Institute for Scientific Information, Inc.).

16. N. L. Geller, J. S. de Cani, and R. E. Davies, "Lifetime-Citation Rates to Compare Scientists' Work: Past Citations to Most Scientific Papers Can Be Used to Predict Their Future Numbers of Citations," Social Science Research 7 (1978):345-65. See also N. L. Geller, J. S. de Cani, and R. E. Davies, "Lifetime-Citation Rates: A Mathematical Model to Compare Scientists' Work," Journal of the American Society for Information Science 31, 5 (1981):1-15.

17. J. A. Virgo (thesis, University of Chicago, 1974).

guide (of quality) seems to be the number of times a scientist's papers are cited."[18]

It is interesting that many published papers are never ever cited. The citation frequency distribution data from the 1978 Science Citation Index shows that of more than 3,800,000 cited items, 70 percent were cited only once.[19] Only 23 percent were cited 2 to 4 times. Those with 5 to 9 citations were in the 94.8th percentile; 10 to 16, the 98.7th percentile; 17 to 25, the 99.62nd percentile; 26 to 50, the 99.81st percentile; 51 to 100, the 99.96th percentile. The 353 items cited more than 101 times were in the 99.99th percentile.

These figures do not vary much from year to year. Figures like them allow one to compare the notice taken of any given paper with that of all the millions of cited papers in that year. Of course a more precise estimate would compare the citation performance of papers within a given field; this information is available for the most-cited papers in many fields and for the average paper in many journals, i.e., the "impact factor," the average citation rate per published item in that journal.[20]

WOMEN'S NETWORKS

Filing an internal grievance or going to federal court is a very serious matter. It is usually extremely wearing, oppressive, and expensive in terms of money, peace of mind, and friendships. Every effort should be made to resolve the problems informally, with a little bit or a lot of help from your friends and colleagues.

18. A. J. Meadows, Communication in Science (London: Butterworths, 1974). See also E. Garfield, Citation Indexing--Its Theory and Application in Science, Technology and Humanities (New York: John Wiley & Sons, 1979).

19. E. Garfield, "ABCs of Cluster Mapping: Part 1, Most Active Fields in the Life Sciences in 1978," Current Contents 40 (October 6, 1980), 5-12.

20. E. Garfield, Essays of an Information Scientist, 2 vols. (Philadelphia: Institute for Scientific Information Press, 1977).

Grievances and Their Redress

At some academic institutions women have established their own networks. One such has been eloquently described by Karen Childers, Phyllis Rackin, Cynthia Secor, and Carol Tracy in their article "A Network of One's Own," which relates the history of WEOUP (Women for Equal Opportunity at the University of Pennsylvania).[21] The goal of the women is equality in campus life, and their few ground rules are on race (that nothing asked for women be at the expense of what is needed for minorities on the campus), on violence (counterproductive), and on patience with women not yet with them (Don't scratch a woman to find a sister; the system will scratch her shortly. Be there to help).

WEOUP formally organized, raised funds, wrote bylaws, hired an attorney, made contact with EEOC, filed a class action suit (still pending) with both EEOC and the Commonwealth Human Relations Commission. WEOUP negotiated a position for itself as a review committee for administration proposals and policies on women; helped set up a women's studies planners group; supported several women's cases (several successful, several pending); coordinated a national conference on women's studies; staged a successful four-day sit-in after five women were raped in three days and the security director implied publicly that rape is a woman's own fault; negotiated, as a result of the sit-in, a women's center as headquarters for all women's activities, with two staff members and operating funds paid by the university; worked on day care (with the result that there is now a day care center); lobbied high-level administrators to resolve specific women's grievances; and much more. Beyond these types of projects the group gives specific help (from work flow analysis to proofreading grant applications) and psychological encouragement ("So you don't think you're great? To whom are you comparing yourself, Einstein or the last product of the 'old boy' network your department hired?").

The most satisfactory way to redress a grievance may well be to do it privately and internally, but this rarely works. The presence of powerful friends, people who care about justice and are not afraid to speak up and act, and a local and national network of women are often crucial.

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21. K. Childers, P. Rackin, C. Secor, and C. Tracy, A Network of One's Own (New York: Modern Language Association of America, in press).

GRIEVANCES

If all the above criteria and a proper citation analysis fail to win the support due a woman faculty member, then attempts may reasonably be made to redress the grievance.

After exhausting the normal channels of appeal to the chair of the department and the dean of the school, the office of the ombudsman, if it exists, may be helpful. The University of Pennsylvania has had such an office since 1971, and every year since then several hundred members of the university community--students, staff, administrative and faculty members--have sought help from the ombudsman. Annual reports from this office make interesting reading.[22] This onerous and very important position has been filled by four white male professors in succession. About 10 percent of the complaints were from faculty members, and of these a dozen cases that reached the Faculty Grievance Commission could not be resolved by informal negotiations.

One of us, Robert Davies, was a member of all the various committees and subcommittees that wrote and rewrote the faculty grievance procedure of the University

22. J. Conarroe, "Dissonance and Discourse: Notes from a Windy Room," First Annual Report of the Office of the Ombudsman, 1971-72, Almanac, University of Pennslyvania, October 3, 1972; J. Conarroe, "I'm Okay, You're Okay: The Second Annual Report of the Ombudsman, 1972-73," Almanac, September 4, 1973; J. O. Freedman, "An Ombudsman's Angle of Vision," Third Annual Report of the Office of the Ombudsman, 1973-74, Almanac, September 17, 1974; J. O. Freedman, "The Ombudsman as Go-Between," Fourth Annual Report of the Office of the Ombudsman, 1974-75, Almanac, September 9, 1975; J. O. Freedman, "What Purpose Does an Ombudsman Serve?," Fifth Annual Report of the Ombudsman, Almanac, May 11, 1976; J. Abel, "An Ombudsman's Potpourri," Report of the Office of the Ombudsman 1975-78, Almanac, January 23, 1979, University of Pennslyvania; and J. C. Keene, "Reflections on Conflict Resolution and Norm Enforcement at the University of Pennslyvania," Report of the Office of the Ombudsman, 1978-80, Almanac, November 18, 1980.

of Pennsylvania and helped steer it through the Faculty Senate and University Council. It became operative in May 1974, and Robert Davies served as chairman of the Faculty Grievance Commission for the first two years and as a member until the procedure was superseded.

At the New York conference mentioned earlier we gave details of the working of the faculty grievance procedure at the University of Pennsylvania. This procedure has since been changed because we found by bitter experience in a case involving a woman's grievance that we had no effective internal mechanism for dealing with the situation when the administration refused to operate the procedures properly and fairly.[23] The dispute went to court and was settled satisfactorily without a hearing. The Faculty Grievance Commission then refused to operate the old procedure, and after much committee work, the Faculty Senate eventually agreed to a new one in November 1978 (see Appendix B).[24]

Of course not all complaints go to the grievance commission. The office of the ombudsman at Penn receives by far the largest number, and it has dealt with, for example, the problems of sexual harassment. This is an "increasingly visible" problem[25] which inspite of the remarkably insensitive and inaccurate claims of George H. Douglas is not "a tempest in a teapot"; nor is it true that "women have never needed, and do not now need, the

23. R. E. Davies, "The Faculty Grievance Commission--The First Year," Almanac, University of Pennslyvania, May 20, 1975; R. E. Davies, "The Faculty Grievance Commission--The Second Year," Almanac, November 2, 1976; S. Green, "Report of the Faculty Grievance Commission, July 1976--March 1978," Almanac, April 11, 1978; D. Hurvich, P. Mechanick, C. Oliver, and P. Taubman, "Report of the Senate Advisory Committee Board of Review for the Grievance Commission," Almanac, April 11, 1978; R. E. Davies, "Modifications in the Grievance Mechanism," Almanac, April 11, 1978.

24. "Faculty Grievance Procedure" (Philadelphia: University of Pennsylvania, 1974, 1978). See Appendix B.

25. L. Middleton, "Harassment by Professors: An Increasingly Visible Problem," Chronicle of Higher Education 21, 4 (September 15, 1980):1,4.

help of committees, tribunals, and snooper boards."[26] Our certain knowledge is that all too many powerless women, especially students and junior faculty members, need all the help they can get in this area. Even Douglas stated in parentheses that "Well, of course I agree, that such 'blackmailers' as these are should be hauled before some magistrate." Hauling someone before a magistrate may well be futile and self-destructive, given the conditions under which sexual harassment occurs.

Other formal procedures available to the faculty at the University of Pennsylvania include the very important senate and school committees on academic freedom and responsibility; the University Court, which has original jurisdiction over cases involving infractions of the Guidelines on Open Expression; and the office of equal opportunity. There are also formal mechanisms for "removal by reason of financial exigency," "procedures for suspension or termination for just cause," and reviews of claims for long-term disability.

As an ex-ombudsman said recently, the attacks on academic freedom come much more from some chairpersons of departments rather than from the trustees, and we have routine, if not as yet very efficient or effective methods of regular reviews of all administrators and chairpersons. Although the University of Pennsylvania is a long way from being perfect, it is better for handling grievances than most other places we know.

Grievance procedures at other universities vary enormously. Most allow grievances to be initiated based on claims of discrimination on account of race, sex, creed, or national origin; some include political conviction, handicap, age, or even membership in, e.g., the American Association of University Professors (AAUP). The AAUP itself has one of the most inclusive lists. The association's council approved the following in October 1976: "The Association is committed to use its procedures and to take measures including censure against colleges and universities practicing illegal or unconstitutional discrimination on a basis not demonstrably related to the job

26. G. H. Douglas to the editor, Chronicle of Higher Education 21, 9 (October 20, 1980), p. 24.

function involved, including but not limited to age, sex, physical handicap, race, religion, national origin, marital status or sexual or affectional preference."[27] The phrase "sexual or affectional preference," was only recently included in the University of Pennsylvania procedure.

The mechanisms for investigation vary widely, are frequently vague, and usually heavily weighted towards the administration. In some cases the president, provost, or dean determines the composition of the investigating committee, fixes the rules of procedure, and can accept or reject the conclusions. In others the committee is selected from past members of a faculty council by a committee on academic freedom, or by the faculty of the university or school. Many of these people or bodies are overwhelmingly white males, some of whom may well not be sensitive to the special problems of women and minority groups.

In a few cases, the grievant may have a right of selection of at least one member of the investigating committee, although the selection may be from, say, present and past members of the faculty council and only rarely from the whole university faculty. Most places have no provision for peremptory challenge of the members or even for challenge for cause.

The rules of procedure are often vague and inadequate and rarely allow the grievant to be present during the investigation, hear evidence, call witnesses, cross-examine opposing witnesses, or either directly, or indirectly, through an advisor or colleague, have access to the relevant documents and files. In some cases grievants remain alone, in others they may have a university colleague or counsel present who may speak for them. In some the right to counsel applies to witnesses too and occasionally to the provost or dean or whoever is defending the case for the administration.

In nearly all cases the report goes to the dean, provost, or president, who then decides what to do. Few institutions allow further appeals to the president, the trustees or the committee on academic freedom in the event that the university official rejects the decisions or recommendations of the investigating committee.

27. "On Discrimination," Policy Documents and Reports (Washington, D.C.: American Association of University Professors, 1977), p. 22.

It is sadly clear that what passes for due process at many academic institutions is extremely unsatisfactory, unfair, and heavily weighted in favor of the status quo and the administration. Where the provost or the dean is also the affirmative action officer, the chance of significant conflicts of interest may well be high.

In some universities the faculty has designated the American Association of University Professors, the National Educational Association, or some other body as the exclusive collective bargaining agent. The agreements usually include many internal processes, but may also lead to binding arbitration. This, like a court decision, can compel the administration to act. It remains to be seen, however, whether arbitrators, who, like federal judges, are predominantly older white males, will act in cases involving claims of discrimination with respect to sex in ways perceived to be fair by members of the various organizations of professional women.

COURTROOM DEFENSES OF DISCRIMINATORY PRACTICES

So far the procedures have not generally been perceived by women as resulting in equitable treatment. Women who protest, file grievances, or go to court are almost uniformly disappointed, bitter and in financial and personal distress. They become known as "trouble makers," are blacklisted, and frequently have the greatest difficulty or even find it impossible to remain active in their chosen profession.[28]

Despite help from the Association for Women in Science (AWIS), the National Organization for Women (NOW) and its legal defense fund, Women's Equity Action League (WEAL), various state human relations commissions, the Equal Employment Opportunity Commission (EEOC), and the U.S. Department of Health, Education and Welfare (HEW), trials in federal courts can easily take years to resolve, cost many hundreds of hours of administraotrs' and faculty members' time, and cost hundreds of thousands of dollars. They can also result in much unfavorable publicity to all concerned. Much of the remuneration, if any, seems to go to the attorneys.

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28. A. Theodore, "Academic Women in Protest," in progress.

Although some institutions have gone through this whole process and have usually won the legal battle, several have chosen to settle out of court by negotiation. These include most of the cases that have come to a reasonably satisfactory conclusion. In our view, it is clearly necessary to improve procedures and morality and thus the chance of justice being done.

From a direct knowledge of many grievance cases in many parts of the United States, some internal to the educational institutions and some that have reached the courts, we are distressed at the behavior of some professors, chairpersons, deans, provosts, presidents, and trustees in the last few years. This behavior has included failure to operate and abide by the grievance procedures, attacks on the integrity of members of hearing committees, broken promises, lies (even under oath), and deception. More specifically, the incidents have involved severe harassment, deliberate solicitation of favorable letters for men and unfavorable ones for women, alteration of letters of recommendation--positively for men and negatively for women--the suppression of unfavorable letters and student comments concerning men, the suppression of favorable letters and student comments concerning women, the use of tailor-made advertisements for positions so that only a specific male candidate fits the position description completely, the falsification of curriculum vitaes, the suppression of the results of departmental and promotion committee votes, the publication by men of professional women's research work without acknowledgment or joint authorship, and the denigration of a woman's research and claim that it did not fit into the mission of the department or school--even though that identical line of research was accepted for the initial appointment and was being pursued in many other equivalent institutions.

If the matter gets to court the problems multiply, and there are publications advising administrators on how to win cases and make it as difficult as possible for the plaintiff. For example, Stitt and Limitone published a paper discussing the strategies and tactics that they have found useful in defending institutions against litigation over claims of sex discrimination. It is worth examining the techniques that at least some institutions find acceptable. Stitt and Limitone say that often the person against whom the complaint is

being made (the respondent) and the concerned government official may be known to each other from religious, community, or other activities. As a result of this acquaintance the government official may ask for an off-the-record meeting without lawyers about the complaint. The authors state, "Indeed, we have yet to be embarrassed by such informal approaches which often result in resolving immediately unjustified complaints."[29]

Concerning the demand for university records, the authors say that these demands are always subject to discussion and negotiation. With regard to conciliation efforts, they note that conciliation is a"...convenient and appropriate means of gaining time...." Since, they say, HEW compliance review teams do not tend to become involved during the conciliation stage, more time can be gained.

They recommend pleading as a defense by a university that the complainant has failed to exhaust a union contract or an intrauniversity grievance procedure. It is clear that one of their important defenses is to demonstrate that universities are unique institutions and that complaints against them should be handled differently from the way complaints are handled against business corporations. They discuss the way to prevent the complainant from using a hearing for discovery of necessary data that the complainant requires.

Among the other tactics employed by Stitt and Limitone are challenging any agency's jurisdiction if the complainant has communicated about the grievance with any other federal or state agency and suggesting that the second investigator contact his predecessors--here the authors note that they "...have never had any difficulty with EEOC in this area."

Sometimes a complainant seeks an injunction to prevent the university from terminating her employment, since she maintains that she will probably prevail on the merits of the case and the injunction will prevent irreparable injury. Stitt and Limitone here advise the university to answer by demonstrating that the termination was due to financial stresses, departmental reorganization, insubordination, a more qualified applicant, or some such. The university should also, according to

29. R. S. Stitt and A. P. Limitone, Jr., "University Fair Employment Practices Litigation Strategy and Tactics," Journal of College and University Law 1973:20-32.

these authors direct the court's attention to the complainant's right to termination benefits and unemployment insurance. They even state that the court should be reminded that if the complainant is successful she can be awarded back pay with no loss of seniority. This last is, of course, unreasonable for any academic person, but particularly when the complainant is a scientist who is operating a research project since terminating her can clearly cause irreparable injury in the laboratory and in obtaining and continuing her funding from outside agencies.

We hope that universities will change the direction in which their lawyers have been taking them. Universities' attorneys too often act like most other attorneys in that they do everything necessary to win the case for their clients, and they perceive their clients to be the administration of the universities rather than the community of scholars. It is surely the job of the faculty and staff to remind them who their clients really are and to prevent members of the administration from acting in an inhumane fashion.

The chair of the Faculty Senate of the University of Pennsylvania has recently written,

> As you know, last year the General Counsel took two controversial and erroneous positions regarding the meaning of the grievance procedures, and communicated these to grievants and their advisors. After these errors were corrected, I asked the President of the University to instruct the General Counsel not to involve himself in pending grievances in the future or to purport to interpret the meaning of the faculty's grievance procedures. The President agreed to write such a letter to the General Counsel. Under our grievance procedures, questions of the interpretation of the procedures are to be resolved in the first instance by the Grievance Commission, with appellate review by the Senate Executive Committee. The Senate

> Committee on Academic Freedom also has an interest, when questions within the jurisdiction of that committee arise. In my view, it is harmful for the General Counsel, who represents the entire University, to take an adversarial role in an internal grievance and it is also harmful for him to seek to pre-empt the bodies who have responsibility for interpreting grievance rules should controversies about interpretation arise.[30]

One of the signs of a great university may well be the resources it places at the service of women and minorities.

RECENT PROGRESS

What is the current situation in academe as it bears on the future of academic women? In the courts the recent case of Sweeney v. Board of Trustees of Keene State College was heard by the U.S. Court of Appeals, First Circuit (Boston). Christine Sweeney won her case in the U.S. District Court for New Hampshire, and the judgment was affirmed on appeal on January 4, 1978. The district court had found that Sweeney had been a victim of sex discrimination in her second effort to gain promotion, ordered her promotion backdated to 1975 with the appropriate back pay, and awarded legal fees. Senior circuit judge Tuttle said that the judges were rejecting an effort by the defendants "...to elevate the quantum of proof (of discriminatory motivation) to such a level that a litigant is necessarily doomed to failure." The judges voiced misgivings over "...the notion that the courts should keep hands off the salary, promotion, and hiring decisions of colleges and universities." Citing their awareness that Congress has evidenced a concern for the status of women in academia they cautioned "...against permitting judicial deference

30. P. Bender, chair of Faculty Senate, University of Pennsylvania, to R. E. Davies, chair of Senate Committee on Academic Freedom and Responsibility, University of Pennsylvania, October 27, 1980.

to result in judicial abdication of a responsibility entrusted to the courts by Congress."[31]

Of great interest is the judges' acceptance of statistical evidence that a double standard was applied to promotion decisions. An important part of the case was the evidence "...that the person who nominally served as affirmative action coordinator did virtually nothing to advance the rights of women on the Keene campus." Many academic women will find that this statement has an all too familiar ring. This case was the first in which a court itself ruled on sex-related employment issues specifically on the allegation that promotion to full professorship had been denied because of gender. The Supreme Court refused to consider this ruling. Sweeney was given back pay and legal fees.

Two other major victories for women were granted recently. At the University of Minnesota, in response to a class action suit, the university agreed in an out-of-court settlement to pay a hundred thousand dollars in damages to Shyamala Rajender, a former untenured chemistry professor. It further agreed that at least two out of the next five persons hired for regular faculty positions in the chemistry department must be women. It also consented to the creation of a review panel that includes a representative of the court.[32] The other victory was the Muhlenberg College case, in which the United States Court of Appeals for the Third Circuit upheld a lower court decision that awarded tenure to a physical education professor. This was the first such ruling to date overturning a college's choice to deny tenure.[33] Another hopeful sign is the recent out-of-court settlement in the case of Lamphere v. Brown University et al.[34]

31. Sweeney v. Board of Trustees of Keene State College, 16 FEP Cases 378-387 (1st Cir. 1978).

32. W. J. Broad, "Ending Sex Discrimination in Academia," Science 208 (1980):1120-22.

33. D. Kleiman, "Female Academics Show Gains in Combating Sex Discrimination," New York Times, July 15, 1980.

34. A. Gorton and A. F. Wessen, "The Lamphere Settlement: A Faculty View," Brown Alumni Monthly, November 1977:25-28, 37.

Universities are still concerned about the possibility that HEW will withhold, terminate, deny, or suspend their federal contracts. This can be done by the refusal of HEW's Office for Civil Rights to certify the university as a responsible contractor when there are allegations that there has been substantial deviation from a university's approved affirmative action plan. Despite numerous false alarms the situation appears no more hopeful than it ever did. In our view, redress of grievances will only come from the individual and concerted efforts of people who care about the concerns of women. As Solon said well over twenty-five hundred years ago, "Justice will be secure, only when those who are not injured are as indignant about injustice as those who are."35

Whereas the courts are to be avoided if possible, their existence together with the recent executive orders make it far more likely that internal grievance mechanisms will succeed--especially as more people's consciousness is being raised so they become more indignant about injustices.

DISCUSSION

Discrimination in Recruitment. Judith Vladeck added an additional example of discrimination against women: A young woman named Irene Lo Re had applied for a job at Chase Manhattan Bank. She received two letters in response to her application, in the same mail. The first, addressed to "I. Lo Re," began, "Dear Mr. Lo Re: Your credentials seem to be in order and your application suggests that your experience is what we need. Please make an appointment at once to be interviewed." The second letter, addressed to Miss Irene Lo Re, said "Dear Miss Lo Re: Sorry we have no openings for a person with your credentials...." She was the lead plaintiff in a successful class action suit against Chase Manhattan Bank.

Use of Citation Indexes. One participant asked if it was the intent of the Davieses to say that, in using citations as an indicator of the quality of one's research, they

35. J. C. Livingston, Fair Game? Inequality and Affirmative Action (San Francisco: Freeman, 1979).

recognized that they were using an indicator that was already biased? Robert Davies responded that one had to be cautious in using citation rates--a person's work could be cited often just because it is wrong. There are a number of other things, he noted, which have to be taken into account in using citations. But we can say, he went on that in the analysis of some thirty-seven or so criteria, by a committee of the Women's Faculty Club at the University of Pennsylvania, the only one that came out as guaranteed to be free from sex bias was citation of papers by a relatively junior person who was not yet internationally known; this was demonstrated in the case of a particular woman whose articles were signed with her initials rather than her given names. This work would be assessed then, by the totality of scholars, in a fair way. So it appears that citation frequency seems to be one of the best ways of assessing the impact of a paper on a given field. Just lining up the papers or counting them or weighing them doesn't tell you as much--have they had any effect? At the very top levels, this may only tell you that some famous work (such as the paper on a technique for measuring proteins that has now had over fifty thousand citations) just described a very, very useful technique. A few papers on techniques do get an extremely high rate of citation. One has to look at the top end for those. At the bottom end, if, say, a woman is told that a man has published many more papers than she has, she can ask how many times his papers have been cited. He has a problem if his papers--no matter how numerous--haven't had much effect. Citations thus do provide an objective measure, providing one has advice on how to use the measure.

Regarding name styles for authors, Davies noted that some journals, like the Journal of Physiology, used to allow a woman to use her first name in styling her name and require men to use initials only. Some women chose to include their full names because they felt it made it clear that women scientists were publishing; others chose not to do it because they feared that, if people thought the authors were women, they might not take as much notice of the papers. "Times change," Robert Davies noted. "I have the impression now that more women are wanting to identify themselves as women to show what women can do. While it is true, he said, that "Anonymous was probably a woman," we should not necessarily want to carry on that tradition.

Davies and Davies

A participant remarked that there is a woman at Cornell who has published for some twenty-six years jointly with her husband, but now says she will never publish with him again. The man always gets the credit, the woman says, even when the woman does 90 percent of the work; even when these partners stand side by side at a party, strangers will shake his hand and congratulate him for his great work.

That can be a problem, Robert Davies acknowledged. Efraim Racker, a Cornell scientist, had remarked that the Davieses announced their marriage in Biochimica et Biophysica Acta. They have published only three papers together (about 1 percent of their total combined publications), he remarked, and each of these lists her name before his.

One participant remarked that women could really help one another by seeking out one another's work and making a point of citing it. "This is a hazard of citation analysis," Davies observed. "It can be misused." But, he noted, it has been misused already. "I was a department chairman for twelve years or so and would receive applications from people who enclosed papers in which they had cited my work--sometimes it was clear that the only reason they'd done so was to be able to say, "I cited your important paper on this or that." Citation analysis is very revealing but by no means foolproof.

Sexual Harassment. In answer to a question, Helen Davies said that allegations of sexual harassment of students have not fared well in the court. The most recent case she knows of came about at Yale; it was thrown out because the plaintiffs were no longer students. Such delay, she said, suggests that women who bring charges of sexual harassment had better be freshmen--and patient.

Sandler said that, so far as she knew, only the Yale case had gone to court--with that unfortunate result. But, she said, there have been repercussions of charges brought by students on individual campuses. In one case, a letter of censure was issued at Harvard; a faculty member at the University of California at Berkeley was suspended for one quarter without pay; and a tenured member of the faculty at the University of California at San Jose was fired. This is an issue institutions are rapidly becoming aware of, are very embarrassed about, and ready to take some stands. Even though the women at Yale lost that case, the issue has been raised. Other women--maybe even freshmen--

will be filing. This has shaken up the academic community. Getting it out in the open should take care of about 80 percent of the problem, she said.

Robert Davies observed that the University of Pennsylvania has created a committee to help solve the problem of sexual harassment. The committee has acted decisively, he said, so that one does not have to be a "freshperson" on that campus to expect some justice. The important thing, he added, is to publicize the existence of the committee and to make known its desire to receive evidence of harassment of students.

The formation of the committee on a campus really scares the lecherous old professor types, he noted, and improves the situation. It is difficult to deal with an individual case when a woman declares that something or other happened in a closed room and the man denies it. But when it develops that this has happened on a number of occasions with several different students, then the matter can be moved on. At Penn the office of the ombudsman has been very effective in resolving these problems; they have not had to go to court. Sexual harassment, Davies pointed out, is not always a case of young female harassed by old male. Sometimes it is young female, young male; sometimes, female against female; male against male; female against male, even. Even though there has not been much publicity in the paper about cases that have been resolved, the situation is improving, Davies said. In the old days, incidents of this sort were seen as just part of "being human."

Choosing a Neutral. In answer to a comment, Robert Davies emphasized the importance of having neutral people control the grievance procedure. That has been done on his campus, as spelled out in their new procedures. The hearing panel is composed of representatives of all types of persons throughout the university--males, females, tenured persons, nontenured persons, and so on. "So far as I know," Davies said, "they have always come to what seems to me to be proper judgments in disputes."

"The problem arises," he went on, "in universities like mine where the administrators say that they are paid to administer and that they cannot delegate the responsibility for making decisions on who should be tenured to any other body. Who should make the final decision? Official arbitrators? federal judges? We are not convinced

that the type of people who serve as professional arbitrators are likely to be any more knowledgeable about the way a university works than federal judges are. The people who are likely to be most effective are the very small number of professors on a campus--even if it is as few as 5 percent--who care about these things. They can organize themselves and be part of the committee on academic freedom or whatever. A small group of concerned faculty can make a difference, Davies said.

A faculty member asked if the sex and race of the persons hearing cases were taken into account at Penn. Davies responded that discrimination on the basis of sex, race, and so on are, according to their procedures, grievable issues. The procedure, however, is blind to these issues, that is, it works the same way for all grievants. Grievants may choose an adviser--a law professor or anyone else--to assist them during the hearings. The panel from which persons are chosen to hear the cases must include women and minorities, Davies concluded, but this is not necessarily the case with the specific group chosen to hear a case. The group from which the specific group is chosen must be representative. It excludes administrators such as deans, department chairpersons, and vice provosts. Once the panel is chosen from the pool, then the grievant or the institution can challenge the inclusion of certain members if they feel that the specific group to hear a case is not appropriate. This challenge can be for cause or a peremptory challenge.

A minority faculty member stressed the importance of the final group members being sensitive to issues of discrimination on the basis of sex and race. Davies concurred. But, he noted, based on his seven years of association with grievance committees, that sometimes the worst antifeminists are women. Thus sensitivity on these matters is not dependent on a person's sex or race." The worst anti-Semitic remarks I've have ever heard," he said,"came from Jews, and the worst antiblack remarks have come from blacks. "

Helen Davies remarked that she had wanted a specification that the larger pool, from which hearing groups are chosen, must include a certain proportion of women and minorities. But that could not be included because so many faculty members had to approve the procedures on their campus. The procedures, as they stand now, are the best that could be done at the time, she said.

A faculty member inquired how the grievance procedure at the University of Pennsylvania works if the conflict is between an individual faculty member and his or her department. The cases the Davieses had described seemed to involve conflict between individual faculty and the central administration, whereas most grievances with which he is familiar focus on disputes between a faculty member and his or her colleagues. How does the arbitration process work if, for example, a faculty member is voted down for promotion in his department and he takes issue with the decision? If he has certain defenses that are technical--that have to do with the field--that he wants to make. How does it work then?

"The wording of our procedure," Davies advised, "reads, 'A grievance is a claim that action has been taken which involves the faculty member's personnel status or the terms or conditions of his or her employment which is arbitrary or capricious or which is discriminatory with regard to [the long list of factors] or not in compliance with university procedures or regulations.' Those are the grievable issues. There are of course other issues--such as those involving academic freedom, which are processed through another committee. There are a number of other judicial procedures that deal with other problems such as those brought about by a faculty member who throws rocks at the university buildings during a demonstration. The specific issue you raise--the one in which a faculty member grieves because his department won't promote him or give him a raise or where the department chairperson says, 'I don't think much of your research so we have changed your office to this broom closet'--those issues surely affect a faculty member's personnel status or the terms and conditions of employment. So that is grievable under our procedures. Another option a faculty member at Penn has is to go to the next level up. If a chairperson makes a decision one thinks is bad, one can go to the dean, one can appeal a dean's decision to the provost, and so on. A grievance therefore does not have to stay within the department unless the faculty member lets it stay there."

Thus, Robert Davies said, faculty members who feel that they were denied promotion because the department members don't know where the cutting edge of research is can take the grievance out of the department--and they can win. They can appeal to the dean or to the school's promotion

committee. The provost can move in on a department and say, "You may not continue to operate this way."

Retribution. "We have heard from your paper," one participant said to the Davieses, "that some faculty members knowingly make false statements, forge documents, and so on. What happens to them? One reason we have seen so little change," she said, "is that, even if a woman does manage to win her case after five years of struggle, the same men are still full professors, are still chairmen of departments, and are not one penny poorer than they were when they violated university regulations."

Robert Davies responded that that was provided for in Section 6 of the procedure, and on the matter of timing, the procedure states the grievance must be completed within a year. "Typically, it has taken much, much longer in the past," he noted, "usually because the administration, for reasons it feels are very good, has dragged its feet. The grievant is kept on until the grievance is resolved, in our new procedures. Even in the case of Sharon Johnson at the University of Pittsburgh, there was a court injunction which kept her at the university until the judge finally decided--improperly, in my view--that her case had no merit."

"If the grievance procedure uncovers an action which seemingly violated University of Pennsylvania procedures which resulted in a discriminatory action, it is the responsibility of the presiding officer to bring the matter to the attention of the Chairman of the Senate and the Provost," Davies quoted. Working through various channels, the matter must be investigated before the end of another semester and a report made. "There was a case," Davies said, "in which the provost did not act in the way we felt was proper. When mechanisms were instituted to bring him before the Committee on Academic Freedom and before a court, he resigned--an aroused faculty, working through proper channels, can do very many of the things it wants to--and at that same time our president resigned. So even people as high as that can be dealt with. Trustees are harder to deal with, but we are working on that."

"In the case of Sharon Johnson," Davies reported, "I was able to use the citation index to show--and nobody has ever controverted this--that her published

work was equal in quality to that of the full professors in her department. The only man who was significantly better was a member of the National Academy of Sciences. She was as good or better than every other member of the department. By our method, you can compare the citations of senior people with those of junior people. The only problem with it was that the judge said that, since that method of measurement had just been invented, he could not consider it a reliable method. Perhaps it will become more accepted with the passage of time. This method of weighing citations is not perfect, but it certainly is a better method than just counting publications."

Sensitivity to the Existence of Discrimination. One participant remarked that even if members of the academic community have good will in these matters, they sometimes lack information about the extent to which there is discrimination against women at universities.

Helen Davies noted that she had been the faculty colleague, that is, the adviser and spokeswoman, for the first woman to win a grievance at the University of Pennsylvania. "What I did was lay out some of the social research that has been done--the studies of Fidell, Simpson, and so on. When you can show that 85 percent of the time, males were chosen over females with identical credentials, then even people in the arts can be persuaded! Numbers are radical in that when you provide documentation--clear and unambiguous evidence that prejudice exists in higher education--then people tend to agree not that they themselves could be biased but that their colleagues could very well be."

Women's Network. Helen Davies read from the minutes of the women's group at the University of Pennsylvania, WEOUP: "The new officers will be installed...in the Faculty Tearoom." "Congressman William Gray will install the new officers." This information went on bulletin boards around the campus--"WEOUP to hold meeting" and in the minutes. "These are the most avidly read minutes of any in the university," she said, "the administration can't wait to get its copy and see 'what those damn women are doing now.' Congressman Gray is a minority member--he will be a good source of information for the group. Our president is a minority woman. So we have these ties,

and a small amount of panic enters the administrative bosom at the thought.

"Even the treasurer's report is interesting. It is one of the few of its kind that is really read. 'WEOUP has $450 in its expense account and $600 in its Legal Defense Fund....' A typical entry reads, 'It was decided that this $600 will be used to provide counsel for a woman professor. WEOUP has contributed $1,000 to the case. WEOUP is hopeful that the case will be resolved at Penn. If not, WEOUP will begin a national fundraising drive to support the case.' These are important minutes. They are one of the mechanisms by which WEOUP increases its effect. WEOUP is an organization, not just of faculty women, but of women all across the university. The first president was a secretary. To be sure, she had a protected position--she was my husband's secretary--but she has gone to college, earned her bachelor's degree, she is now in law school, and she is the head of our women's center. We expect to send her someday to Congress where she can do lots of good things for all of us!

"This is the kind of networking I recommend, women helping one another as individuals. Our mailing list has seven thousand names--not all dues payers, to be sure--but seven thousand people get our minutes. Nobody in the whole university is safe from WEOUP, in a sense. Some secretary who is typing up information about faculty salaries may be sending a copy to WEOUP; nobody can be sure. In fact, a good deal of our information has come through these 'informal' channels. This is a radical kind of networking; it gives our organization a kind of leverage.

"WEOUP did send money and faculty representatives to the University of Pittsburgh during the Sharon Johnson case," Davies said. "The women there were terrorized. We weren't; it wasn't our case. So we had nothing to lose and could help. We sent a full professor to do statistical analysis. This is the kind of interuniversity networking we can do. The Philadelphia region has a very strong network. We recommend this kind of organization to you. It is essential for survival."

Robert Davies added that while the minutes of WEOUP meetings are widely read now, it has not always been so. At first, he said, it was practically impossible to keep notices of any women's meetings up on public bulletin

boards. They were torn down within five minutes. Then the answer became clear. All the notices were posted in the women's rest rooms. They weren't torn down. If you are in an institution where the men don't want the uppity women to unite, you still do have places where you can communicate with one another.

Anybody who wishes to be on the mailing list, Helen Davies said, should get in touch with WEOUP.

4.

Strategies for Eliminating Sex Discrimination: Times that Try Men's Souls

Bernice R. Sandler

The word men in my subtitle, of course, clearly includes women as well. Of all the institutions in American society that have been criticized for poor treatment of women, higher education has been one of the most frequent targets. Perhaps this is because education holds out the implied promise of equality and equal opportunity. Women in education are especially angry because they have discovered that for them, the promise is broken. The myth of equality in higher education is just that, a myth. We have been told that education is a woman's field, and that the university is a place that rewards merit and talent. But we have also seen study after study that clearly indicates that women are still second-class citizens on the campus, even after ten years of affirmative action and federal legislation prohibiting sex discrimination. Nevertheless, much progress toward equality has been made in the last decade. Overt discrimination is indeed disappearing, but subtle forms that are far harder to identify and to prove, and far harder to deal with and to remedy, still remain.

Women are a new advocacy group--this is how we have to think of ourselves in the 1980s. We are questioning policies, questioning practices, and pressing for change. We are learning the politics of power. I want to talk today about the strategies and tactics, maybe more about tactics than strategies, that can be used to bring about change in higher education.

I am not going to discuss strategies for one's own survival and other kinds of strategies to speed an individual's upward mobility. I want to focus on strategies that can help us improve the lot of all women in academe--women as faculty, as staff, and as students. Let me say parenthetically that if you take on this task, you are not necessarily going to become tenured. Indeed, you may not be well liked or even respected for your efforts.

Whenever a group tries to change the status quo, it antagonizes some people who cling to the present or the past. In all likelihood, someone else is going to reap the benefits of your hard work. The beneficiaries will not only be your daughters, and in the long run your sons too, but also some women who will probably not appreciate or even know what you did. We have all met women, both young and old, who believe that they became tenured or were admitted to graduate school or became a Rhodes scholar simply because they were very good, not because of anything the women's movement did. We have all heard assertions like this: "I'm the first woman carpenter but I don't believe in 'women's lib.'" Some women have absolutely no knowledge of the struggle that preceded them and which made it possible for their merit to be rewarded. However, as Helen Davies said this morning, give them time. They will learn. I guarantee it.

If you want to be recognized for your good works, and to be thanked, loved, and admired, women's work is probably not the best way to do it. If women's work is not for you, then much of what I have to say today will be irrelevant. But let me ask two things of you: if you cannot work with us, at least get out of the way--and give some money to your favorite women's group.

FRAMEWORK FOR CHANGE

Let me put forth a general framework for change. There are at least three basic ways to deal with problems of sex discrimination. One is to develop strategies to help women cope more effectively with problems of discrimination. These include providing internships, support groups, mentors, assertiveness training, opportunities for formal training in administration, and so on. These are indeed very useful, but I shall not describe them here. The second kind of strategy involves mechanisms for resolving grievances, which we heard about this morning from Judith Vladeck and Helen and Robert Davies: litigation, arbitration, mediation, and the development of institutional grievance procedures. These too are useful. The third group of strategies are those that can be used to bring about structural change in institutions. By that I mean changes in policies, practices and procedures, and the development of new programs that are helpful to women. Most of these strategies are not very new or dramatic. Indeed, most of them are not going to solve most of the

problems we deal with. There is no magic answer that will lead us to utopia. What I want to review today are the strategies and tactics that have been used effectively in other arenas. Thus this paper is not so much a plea for new actions but suggestions for taking stock of what has worked in the past and adapting and expanding that.

In resolving the difficulties women face in academe, we have a fivefold task:

1. figure out what it is you want to change;
2. develop awareness about the nature of the problems that are involved;
3. propose specific solutions;
4. press for the adoption of these solutions; and
5. monitor the implementation of these solutions, whether they are policies, practices, or programs.

How do you decide what issue you want to work on? You cannot work on everything. So, first, it should be something you care about, something you are willing to spend energy and time on, freely. And second, it should be something specific that is amenable to solution. It has to be particular policy, a particular procedure, a particular program that you want. To end all discrimination is a noble goal, but it is a lot easier to change a maternity leave policy than to bring about equity for everyone. Third, it should be the kind of issue that can draw the support of other groups--other women's groups, student organizations, unions, minority coalitions, or faculty groups.

You will need to take on both long-term issues and short-term issues. The latter are necessary to give you and your group a feeling of success. If you take on only long-term issues, it is very hard to know that you have accomplished anything. The list of issues from which you can choose is long, almost infinite: hiring procedures, tenure, salary practices, part-time positions, flexitime, fringe benefits, grievance procedures, union policies, women as trustees, women as administrators, transfer policies for students, degree requirements, athletics, sexual harassment, child care, career ladders for clerical staff members, equity in pensions, equal opportunity for wives of graduate students or faculty members.

Once you have chosen the issue or issues you want to work on, you will need to develop some awareness, among

women and men alike, about the implications of the specific issue. You may know that sexual harassment is a problem, but there are vast numbers of people in the academic community who do not even know what the term means and have never thought of it as a problem at their institution.

In general, we have to raise awareness. Specifically, we have to sharpen the discontent of women. If you are lying in bed and are comfortable, you won't bother to turn over. In order for change to occur, you must make people a little uncomfortable so that they will want to do something differently. We need to shake them up a bit.

Let me give you an example of raising awareness. Discrimination against women in education has existed for generations, from the days we first entered Oberlin over a hundred years ago, but it was only "discovered" about ten years ago. How did that discovery come about? In the early 1970s, WEAL (Women's Equity Action League) filed charges of sex discrimination against approximately two hundred and fifty colleges and universities. These charges led to congressional hearings on sex discrimination in education. At that time, the level of awareness was so low that not one member of the large educational establishment in Washington, D.C., would testify. "There is no sex discrimination on campus," they told congressional staff, "and besides it's not a problem."

Those congressional hearings, chaired by Representative Edith Green (Democrat, Oregon), began to open people's eyes. The hearings and the resulting publicity legitimized the issue. Sex discrimination began to be the subject of public and private debate and discussion, with legislation as the result. Thus we now have federal policy, laws that prohibit sex discrimination on campus and elsewhere. Sex discrimination became a legitimate issue.

Since that time, there has been a marked shift in the official responses from educational authorities. Nobody says, "There is no discrimination" anymore. Of course they don't say, "It is completely gone" either. They say, "Of course there is no problem with sex discrimination at my university, but it is still quite bad at Alternate State U--and terrible at Dismal Swamp College. Terrible." "At my college," they say, "we're taking care of it. Just stamping out the last tiny vestiges which may remain. Here and there." Just wisps. Call it lip service if you

like, but don't discount it. It is a start, an acknowledgment that the problem exists at some level. Sometimes lip service can even be followed by tokenism, and that may perhaps be followed some day by genuine movement toward equality.

STRATEGIES TO INCREASE AWARENESS

How do you develop increased awareness? A major tactic is to document the problem and get the word out. For example, in the early 1970s, women began to form groups on many campuses and to press for a report on the status of women at their institutions. It was an important step because for the first time it came to public attention that women were not as likely to earn tenure at universities as men were. It seems strange to us now, but that problem was not even recognized then. Sociologist Alice Rossi was one of the first to recognize the problem. She counted the number of women holding faculty appointments in sociology departments and compared their numbers at each rank with those of men. She identified a pattern that no one had really noticed before: the higher the rank, the fewer the women. It was a remarkable discovery, and it did serve to sharpen the discontent of many women. At campus after campus, women analyzed their status in individual departments and in the institution at large and began to press for change.

Now is the time, it seems to me, to take stock and begin the cycle again. The regents at the University of Wisconsin have set up a task force to study their whole state system to assess the extent of change there. It is due to be issued soon; I think it will again help sensitize academics to the remaining problems of women on campus. We have had ten years of affirmative action, ten years of legislation. How much change has there been? Many people would indeed be surprised to learn how little change has come about.

Reports can identify specific problem areas and also counteract the inaccurate but often widely accepted notion that the problems of women in academe are essentially solved. All we have to do, it is said, is wait for the women now in the system to make their way up the academic ladder. True? False. But it will take

numbers, specific comparisons, and careful data gathering to convince academics. Annual reports can be helpful, if they are sufficiently specific. Large institutions such as Cornell University usually have an office to collect institutional data. We need to be sure that they include data by sex. For example, when they collect information about financial aid, it should be presented by sex as well as by race and national origin. These tabulations by sex, race, and national origin are particularly important so that we can trace the extent to which programs are helping specific groups, such as black women, Hispanic women, and native American women.

Other ways of increasing awareness include holding campus hearings. This is particularly useful for issues such as sexual harassment. Hearings in state legislatures can also be effective. In California, women were able to bring about hearings in the late 1970s that served to sensitize academic administrators and other concerned people on and off campus. Sometimes you can get a sympathetic journalist either on your student newspaper, in the local press, or in a national newspaper to write about specific problems or the general condition of women on campus. Such publicity gets the word out that there is a problem and that there are people who care about it. (Incidentally, I am speaking as though these events always come about in this sequence, in a logical, orderly fashion. In real life, they don't. These steps often blur together, and sometimes it seems as though everything happens at once.)

Developing awareness and publicizing the problem is not enough. Nothing is going to change unless you tell people specifically how the situation ought to be changed. So you have to come up with a specific proposed solution. It might be a new grievance procedure or a new policy prohibiting sexual harassment; it might be a fact sheet distributed to freshmen during orientation, telling them what sexual harassment is and isn't; it might be a new way of improving recruiting outreach to women; it might be a women's studies major. To develop your proposed solution, try brainstorming with a group of people. Get a group of people together and say, "If we could start from scratch, what would be the best policy in that particular area?"

You should always ask for more than you can get. No matter what you ask for, it will be perceived as too much.

Whomever you are dealing with to try to bring about your change will say, "These women want to change the whole university!" Correct. We do. But we need to be prepared, at the same time, to compromise. Therefore, you must ask for more than you can reasonably expect so that you can compromise. For example, if you ask for just one more tenured woman, the response might be, "She will have to be part-time." So you have to leave some room for compromise and keep some room for yourself. No administrator can capitulate entirely to your every request; you have to leave room for an administrator to save face. Since your request is going to be whittled down, you need to be careful what you ask for initially. Then you can be very "reasonable" in your compromising; you set the stage for negotiating. We would do well to learn more about such formal modes of negotiation as union bargaining. Many of those tactics will work well for women as we become involved in negotiating for change.

When you have identified the problem, publicized it, and developed an ideal solution, you have to figure out who holds the power to actually implement the change. Is it the chancellor? the dean? the department head? the governor? the legislature? It makes little sense to ask your department head to revise the policy on maternity leave if that issue is the responsibility of somebody else.

Once you identify who has the power to make the change, then you must ask yourself, Who are the people who can put pressure on those decision makers? What kinds of pressure are they subject to? Where and how can you exert pressure? Publicity is helpful. Issuing reports and data can be useful. Other strategies include publicizing formal charges, holding a press conference, writing letters to those in power, writing letters to editors for publication, getting alumni to write letters to presidents, to chancellors, to trustees. All these actions give the impression of power and give the impression that there is a lot of action going on. The institution must respond in some way. As individuals and as groups, you can write letters to people who may be able to influence the decision makers and to the particular people who can effect the change you want. The American Association of University Women (AAUW) has encouraged their members to write to the presidents of their institutions and ask what the institution is doing for women and to withhold contributions if the institution is not treating women fairly.

Another strategy is to seek out tenured women, if you can find them, women like Alice Cook and Helen Davies, who can lend credibility to your cause. And enlist, if you can, the aid of sympathetic prestigious men like Robert Davies--also difficult to find. They can carry the message to other men on campus. This can be very important because sometimes men often listen better to each other than they listen to women.

Of course the major strategy is to have at least one organized group. Women are becoming quite good at creating groups. This movement probably has more ad hoc groups and caucuses than almost any other movement in the country. Although the women's movement is often criticized for being fragmented, its very strength lies in the enormous diversity of its groupings and the many targets they can focus on, particularly when working together on issues of mutual concern.

STRENGTHS AND STRATEGIES OF COALITIONS

It is a far better strategy to have lots of groups rather than just one. Groups can be categorized into three basic classes:

1. The outside group which has no campus connection whatsoever. That is usually a chapter of WEAL (Women's Equity Action League), NOW (National Organization for Women), a business and professional women's organization, or perhaps just a group that emerges in town. They can issue the most dramatic statements about the extent of the problems on campus because they are not vulnerable to retaliation. Of all the groups, they will appear to be the most "radical," which makes everybody else look "reasonable" and "sensible."

2. The on-campus group such as WEOUP (Women for Equal Opportunity at the University of Pennsylvania). This group acts as an in-house advocacy group. It raises issues and calls attention to the campus community to problems.

3. The official institutionalized group, typically the campus committee on women. This is most often the most conservative of the three. Usually appointed by the chancellor or president, its members have to be more conservative by virtue of their status as part of the institution.

In the best of worlds, and this happens on many campuses, there are people who help keep these groups together, and sometimes people who belong to more than one of these groups. In other situations, women

cannot openly join both the campus committee on women and a pressure group such as the local NOW or WEOUP. But the members talk to one another; they meet for lunch; they phone each other. For instance, the members of the inside group might say, "We're having trouble getting through a new policy on maternity leave. Can you do anything?" The outside group can then make some noise and say some of the things that people on the inside cannot necessarily say publicly.

As you press for solutions to be adopted, you undoubtedly will be involved sooner or later in coalitions. That is a sound strategy: the formation of coalitions requires the cooperation of diverse groups. Often there is a good deal of informal communication among these groups and many overlapping memberships. Additionally, these coalitions often go beyond women's groups. There are numerous instances when women's groups have joined together with black organizations and other minority groups to work on issues of mutual concern.

Let me stress the importance of coalitions between women's groups and minority groups. These coalitions are critical if we are to avoid a split between minorities and women. If we--women of all races and minority men--fight among ourselves as to who gets the scraps on the floor, we will never be free enough to ask for the places at the table which are rightfully ours. A long-range viable coalition between women and minorities in this country would constitute a substantial majority: women, including minority women, are about 51 percent of the population; minority men comprise another 6 to 9 percent--depending on how the Census Bureau counts them this time. Together, then, women and minorities constitute 60 percent of the population and could form a very powerful coalition. It probably won't come for another five or ten years, but I think it is coming. Women's groups have, from the start of the new women's movement, taken a very active part in pressing for the rights of minority women who suffer from a double dose of discrimination.

Banding together as many groups as possible gives the illusion, if not the reality, of power and purpose. Part of the strategy is to look powerful whether you are or not. It is often difficult for administrators to estimate just how powerful and influential women's groups are. They simply do not know what standards to use. Sometimes they will overestimate just how many women you represent,

and you can use that to your advantage. If you are short of groups, you can create some, such as the "Ad Hoc Council to End Sexual Harassment of Students," even if the council has only one or two members. Within groups, you can give people titles so that when there are letters to be signed, the signatures can include a title of some sort, such as "Chair of the Ad Hoc Council to End Sexual Harassment of Students." When I was at WEAL, I was chair of the Action Committee for Federal Contract Compliance. In fact, I was the whole committee. But it was far better to sign a charge with the title than to just write, "Bernice Sandler, Member."

Working with other groups and enlisting their help in a variety of ways is extremely useful. Groups such as WEAL, NOW, AAUW, Zonta, Altrusa, the American Civil Liberties Union, and business and professional women's clubs are well worth getting in touch with. If they cannot actively support you, they nevertheless may be able to write a letter of inquiry asking for further information about the issue at hand, such as "We are concerned about the problem of sexual harassment on campus, and we are wondering what the current status of the problem is at your institution." These letters show that there are people outside the institution who are concerned about on-campus issues.

Incidentally, letters or requests for information should typically be sent to the highest person possible. It is better to send your letters directly to the president. He or she or someone in that office, at least, will have to read that letter, even if it is then forwarded to someone else in the institution for response. In Washington, D.C., women's organizations often send letters directly to the secretary of the department they are trying to influence. The letters get put in a plastic folder; the folders may make their way down through six or seven offices where someone finally answers them. Copies of the responses then go back into the plastic folder and make their way back up through the channels. All up and down the line, people are reading about the issue of sex discrimination and getting a little more sensitized on the issue.

Meetings with administrators to discuss problems and to make recommendations are a key part of what happens. In most instances, it is best to try to meet with the highest person possible. Let me describe how one group

in Washington operates, the National Coalition for Women and Girls in Education, which consists of between fifty and sixty groups. It includes projects like the one I direct, the Project on the Status and Education of Women, but it also includes organizations such as Girls' Clubs, Business and Professional Women, AAUW, League of Women Voters, etc. In short, the membership list looks rather conservative. We meet quite often with decision makers in the federal government and prepare for those meetings quite carefully. Beforehand, those persons who want to attend the meeting itself come to what we call the "premeeting," where we hash out what it is that we are going to ask for, what we are going to say, who is going to say what, and which topic is to be assigned to whom. If there is something we can't agree on at the premeeting, we simply don't raise it at the meeting itself. That's one of the rules we follow: at the meeting, we only talk about those issues about which we agree.

One person is assigned to chair the meeting, to introduce everybody, and to ensure that every topic gets covered--to say, for instance, "We really need to move on. Now Mary Smith wanted to say something on the final guideline...." Somebody needs to make sure we are staying within our time and to make certain the meeting runs smoothly. Any members of the coalition can participate at any meeting providing they come to the premeeting. If they do not attend the premeeting, they can attend but not participate in the discussions. We now have the reputation around Washington for having very tightly organized meetings. These few rules have been very helpful not only in giving the coalition a reputation for being well-organized but also in making our meetings more productive. If you are well-organized, you are more likely to be viewed as powerful.

Another tactic used at meetings is to write a subsequent letter to those with whom we met, reminding them what transpired and what they promised they would do. We also try to have our team be greater in size than the size of the team we are meeting with. If there are three of them, it's good to have at least five or six of you. If you don't have five or six to fill out your side, ask your mother, your sister, a student, an intern to sit in with you. That person shouldn't speak to the issues since she wasn't at the premeeting, but she can take notes and serve to provide support where it is needed.

Coalition members don't have to agree on everything. We work together only on those issues on which we share the same views. We work mainly on a consensus basis. If there are major issues on which we disagree--and that often happens--then we simply do not work on those issues as a coalition. When that happens, a few of the member groups may work on issues together but not as part of the coalition. The others respect their right to do that. We don't question one another's sincerity or commitment; we simply respect the differences.

This kind of cooperation is not uncommon, particularly in Washington, where we work with diverse kinds of people. Republican women and Democrat women have worked well together on a great number of women's issues. This does not mean that we have everybody's support on everything. We don't. But on those issues where the women in the two parties do agree, both on the Hill and elsewhere, they are able to work effectively together.

Another useful tactic to use at meetings is to ask for schedules. If somebody says, "Well, I'll get that information to you," then your response ought to be, "When do you think you can get it to us?" Often the response is "I can't say when." And then you must respond in turn, "How about two weeks from now?" Usually they then say, "Well, ah, er--," and you can say, "Well, how about three weeks?" Force them to agree to some sort of schedule, so that when the three-week period or the four-week period has passed, you can then go back. You check their office with a phone call, saying, "The information you promised us by last week hasn't come yet. We are anxious to meet with you again." Since, typically, they are not as anxious to meet with you as you are to meet with them, they'll get you the information faster than they otherwise would.

When you telephone someone to make an appointment for a meeting, he or she may respond that they are quite busy in the office right now. Can you phone again some other time? The way to handle that is to say, "I understand that you are busy this month, November. How about December 15?" When they say, "December 15? Well, I don't know" then you might have to say, "How about January?" Later you counter with February. There is no way that anybody's calendar can be full three months in advance. You have to press them for a meeting on a specific date.

If the decision makers reject your solution to the problem you have uncovered, be sure to ask why and if possible get their responses in writing. Sometimes it is not only useful but surprising to see why your solution has been turned down. The reasons you believe are the ones that are the cause of the rejection may not be the ones that are cited. If you can get their specific objections, and perhaps counter them, there is at least the possibility of a compromise. Without the information about why a proposal was turned down, you cannot fight the decision effectively.

When you have been able to get the decision maker to change his policies--it is almost always a he who has the power to do this--your task still isn't complete because you have to begin the process of monitoring the implementation to make sure that policies have really changed, are being handled fairly, and are accomplishing what they are supposed to do.

OTHER STRATEGY ISSUES

There are useful strategies that can be put to use off campus as well, particularly within professional organizations. Sometimes there are two groups concerned with women's rights in a professional organization. The first is the official committee appointed by the powers that be to consider problems of women in that particular discipline or profession. Second, there is often a women's caucus or group within the organization, which members of the organization can join and which also deal with problems of discrimination. For example, the American Psychological Association has both an official task force on the status of women in psychology and an association of women psychologists. There are at least one hundred professional organizations that have a women's committee or a women's caucus or both. And these groups are very useful in developing information about the status of women in that discipline and disseminating information about all kinds of issues involving women.

In some instances, these groups are evaluating curriculum, including textbooks. If women are to overcome the handicaps of sexual stereotyping, curriculum revision is

critical. These groups are putting pressure on publishers to change the texts. At the same time, they are getting the word out to their colleagues that particular books are derogatory to women. If a professional women's caucus off campus says that such and such a book is inadequate because of stereotyping, the local campus group can use that information to good advantage in bringing about change they want.

Increasingly, women are asking that educational institutions be concerned with the problems of all women. They are asking their institutions to reach out to older women who want to return to school, to minority women, and other disadvantaged women who may need a special helping hand. They are asking that all institutional policies, practices, and programs be evaluated in terms of the way they affect women as women. This is what many campus women's committees are doing, and it is helpful in identifying problems and developing recommendations for change.

One of the strengths of the women's movement is that each woman and each women's group works on whatever issues seem most salient to them at the time. For some, employment discrimination is critical, and they define that as their major goal and activity. For others, changing the laws may be the first priority. For still others, providing female students with mentors might be the important issue. Those who wonder if integrating an all-male bar is an urgent priority are probably unaware of the legal implications involved in that kind of activity. Those who believe that the issue of substituting Ms. for Mrs. or Miss is frivolous have probably not grasped the social implications of how a woman's marital status affects the way in which people respond to her. Women's issues touch on almost every single human endeavor; there can be no first priority. We must let others set their own priorities for the issues they care about most. If they work on the issues they really care about, they will work hard.

When any issue affecting women arises, we need to raise it and deal with it, whether it is a major problem such as salaries or a small one like the use of the pronoun he in official documents. Every time a women's issue is raised is an opportunity to sensitize somebody. Sometimes that is the only result, just a bit of sensitization and growing awareness on the part of others. But it can be the first step in solving the problem--developing

awareness that there is a problem. We cannot win every issue every time. Many times you can be sure that the first time you raise an issue, you will lose. But the second time and the third time, the chances of winning--of bringing about the changes you want--are substantially better because of the previous sensitization.

AGENDA FOR ACTION

The results of the 1980 elections were discouraging to many feminists. In a democracy you cannot control an election; in a democracy, sometimes you win and sometimes you lose. We are going to need to rise to the challenge--and it is going to be a challenge for many of us. Adversity is supposedly good for one's character; we are going to develop beautiful character. There may well be crises ahead and dark days. But there is nothing like a crisis to bring people together and get them moving. We are going to see the development of new and stronger coalitions. Blacks and Hispanics may get along better, and I believe women, blacks, Hispanics, and other minorities are also going to work together more effectively. There is much that we can do. We cannot afford to waste too much time on despair.

We are probably going to have more trouble with the new Senate than with the president. We will need to "educate" and inform many representatives and senators. So keep in mind that very few people are Neanderthals on every issue. There are many legislators in Washington who have outdated views on women's issues, who have never once ever voted the way we wish they would on women's issues. Yet every now and then, something touches one of them, and he helps us. Senator Barry Goldwater is a good example. He voted against the Equal Rights Amendment and against other legislation that would help women. Yet he did a good thing for women pilots who flew the planes during World War II from the factories to the airfields. They were never considered veterans and thus never received any veterans' benefits, yet they were treated in other respects as though they had been in the military. Senator Goldwater became interested in that issue and introduced a bill to grant them veterans' status. It passed. So don't write off anyone.

Here in New York, you need to make your new senator aware that women's issues are important. He is a newly elected senator and is going to love being in that Senate. He is going to want to be elected again, and is going to have to learn to deal with you, his constituents. Wouldn't it be nice if he got some letters in the next few weeks from women? The letters could read, "Knowing of your great concern about women's issues and knowing about your sense of fairness and equity...." That kind of approach is helpful since few persons are openly and publicly against women. (Officials are often particularly careful in framing their public statements: "I am certainly for equity and justice but....") Ask your new senator if he will continue to support Title IX since that legislation has been so very important in getting rid of the quotas for women. He may not know anything about Title IX, so he might ask his staff to do some research. The staff members will then report to him on what Title IX is and what it isn't. Someone on the staff will then be a little more aware of these issues, and he or she may in turn sensitize the senator.

The point is that we cannot write off anyone we don't like. Maybe some senator or representative will be good on only one issue, and that will be because people like you took the time to write and call. There is someone in every congressional office who counts every letter that comes in. If you write early, before the legislator has even gone down to Washington, he may even see the letter himself. Therefore, I urge you as individuals and as members of groups to write your representatives and senators about Title IX, Title VII, or whatever other issues you are concerned about, so that they will know that people care about these matters and are watching what they do.

One strategy that might be helpful would be for a delegation of women from the many institutions in New York State to ask for a meeting with the New York delegation of the two senators and the representatives to talk about Title IX. The congressmen themselves might not come, but they would probably send staff members. Most legislators will be hearing a great deal from those opposed to the implementation of Title IX; they need to hear from the other side.

Another issue of concern has to do with the Equal Employment Opportunity Commission, which enforces Title

VII, the law that prohibits discrimination in employment, including employment at universities like yours. The current chair of that commission is Eleanor Holmes Norton. She can remain on the commission until her term expires, but there will be a new chair--probably a chairman. Right now we should be writing to the president, urging that a woman be appointed to replace Eleanor Holmes Norton and, furthermore, that whoever is appointed be knowledgeable and sympathetic to women. Nobody else will raise those issues for us.

We need to seek out Republican women and make alliances with them. Ann Armstrong, for example, has been very close to the president. She played a major role in the passage of the Equal Rights Amendment by the Congress back in the early 1970s and is very committed to women's issues. Many of us worked with her during the Nixon administration. She needs to know that we need her help with Reagan on issues involving women; and she and others need to know that they can count on us, in turn, to support them when they press for women's issues.

We are a new advocacy group not only on the campus but in the nation, and we are beginning to act like one. We are making ourselves official by banding together in groups with official-sounding committee names and individual titles. We are institutionalizing ourselves. There are numerous women's programs in Washington, and we may lose them if we do not put in the necessary work. we are learning the ploys that other groups have used for years, such as leaking information to the press, sending delegations to the seats of power, enlisting other groups to support our issues, and so on.

Perhaps what we are learning is the most fundamental truth of all, that nothing changes unless someone does something about it. If there is something we don't like--and there is much that we don't like--we really have only four choices. We can go elsewhere (although where you go to avoid sex discrimination, I do not know); we can become bitter or apathetic (indeed that happens to some of us); we can knock everything down, destroy what we have, have the revolution, and hope that something better arises from the ashes; or, we can do what women and men of good will and hope have done throughout the ages--chip away, bit by bit, piece by piece, at the things that need changing. We know what the long-range goals and the ideals are. We want a

society in which each individual is free to function to his or her maximum potential, free of the traditional stereotypes that limit the options of women and men alike. There is no quick, easy way to utopia other than boring away at it, inch by inch, working on the particular issues confronting each of us.

Let me offer a few bits of advice to those of you who will be working for change:

1. As long as you can get someone to change his or her behavior, don't get caught up in worrying about why they did it or if they truly are committed to women's issues. For my part, I really don't care why anybody does anything so long as they do the right thing.

2. Avoid paranoia at all costs, even when the paranoia is justified. If you begin to suspect someone of evil intentions, that he or she is plotting or whatever, check yourself by asking if there is an alternative explanation. Often there is. Many times things will happen because of incompetence and insensitivity and not because people are conspiring.

3. Remember that bearing the burden of second-class citizenship presents the unique challenge of making that burden an opportunity for growth rather than for bitterness and devastation. We in the women's movement are really like the little boy and the emperor's clothes: we can see the university for what it really is because we are not really part of it.

4. Watch what minority and other groups are doing, and learn from their successes and failures.

5. Keep a sense of humor because sometimes that will be the only thing that will keep you from weeping.

The hardest thing about the women's movement is that there is no real enemy to hate with self-righteous indignation. It would be easier if there were. Men are not the enemy, for surely many of them have been hurt, perhaps in different ways, but hurt nevertheless by the same rigid stereotypes that hurt women. Certainly we need compassion for all those women and men who have been crippled by their experiences in the past. We need compassion for those women who act with an impatience born out of bitterness and despair, for there but for the grace of God go all of us. We need compassion for those women who tell us that there is no discrimination and who cannot yet help their sisters. We even need compassion for those men who tell us that their wives are "perfectly happy."

For all of us, what will be most difficult to change are our own attitudes and assumptions about what women want, what women are really like, what women need. We, women and men alike, are going to have to work with women in ways we have perhaps never done before, in full partnership. In our society women and men have been trained to relate to each other only as marriage partners, as lovers, or in some sort of up-down relationship such as the male boss and female subordinate. Yet the lives of women and men are joined together inextricably. We cannot escape each other, nor do we wish to do so. We are wife and husband, mother and son, daughter and father, sister and brother. The women's movement is not going to go away because so many women care, and so many men care, too.

Society changes very slowly. All of us--women and men alike--will need to help one another as we grope together to work out the problems that arise as women's traditional roles shift toward equality of opportunity. It will not be easy. But no longer will women weep when discrimination hurts. No longer will women grow bitter because they are denied the opportunities that are the birthright of their brothers. We have taken only the very first step in a very long journey. I used to think that five years would take care of the whole problem. Now I believe it will take five hundred years--or more.

Let me close with a quotation which is said to have been found on a tablet discovered by an all-woman team of archeologists, assisted by women staff, and women students:

> And they shall beat their pots and pans
> into printing presses
> And weave their cloth into protest banners.
> Nations of women shall lift up their voices
> with nations of other women.
> Neither shall they accept discrimination
> anymore.

Now that may sound apocryphal but I suspect it may yet prove to come from the Book of Prophets. For what women are learning is the politics of change. The campus, the nation, the world will never again be the same.

DISCUSSION

Ethics. One faculty member commented that representing oneself as chair of a committee that existed only in the imagination might give some people ethical problems. Another faculty member commented that in a group just getting underway, everybody who comes to the meetings is an officer. Perhaps it is helpful to think of those officers as speaking for a silent majority of women on campus who are with you in spirit but afraid to speak out. Sandler responded that that tactic did not exploit anybody, and therefore it did not trouble her; however, she strongly urged those present to eschew tactics they feel are unethical.

Helen Davies noted that the first time a person had sent her confidential material not meant for her eyes, she had agonized over the ethics of using that information. Upon reflection, she had decided that it was within her rights to use it. The material showed that another faculty member had lied to her; she used it. "Perhaps I had made the mistake of trying to be as polite about other people's mail as my mother taught me to be," she said. "But I realized that I should be playing the games my father should have been teaching me all those years."

An attorney noted that bureaucracies rely on politeness to make everything work. Going through channels reinforces the status quo, but an unorthodox approach makes the grievant uncomfortable and the people defending the institution uncomfortable.

The Tactic of Writing to the Top. An administrator questioned the wisdom of Sandler's counsel about writing directly to the president of an institution. At her college, she said, an administrative assistant opens the president's mail and bucks it down to the appropriate office for response. A person who persisted in writing to the president would be labelled naive, she said. Sandler responded that it would depend on the nature of the letter as to whether it is inappropriate to send it directly to the president. Obviously, it is important to understand the way a system works before you try to change it; people on campus are in the best position to know what is appropriate. Letters from outside groups most generally go to the president.

Sandler added that having several signatures on a letter, particularly when they represent one or more groups, is also helpful. An administrator from another campus observed that her president is quite vulnerable to letters from off-campus groups. Robert Davies added that one way to keep a letter from being ignored is to send carbon copies of it, and note that you are doing so at the bottom of the letter, to other concerned people, such as members of boards of trustees, deans, and so forth.

Coalition Politics. One participant asked Sandler's opinion on the wisdom of women's groups joining with those concerned with the problem of hunger. Sandler observed that certain women's organizations, such as those concerned with child care and women's health, should surely find common ground with the hunger groups. But, she said, those concerned with employment discrimination will have more trouble finding an easy tie-in. It is not necessary for cooperating groups to agree with one another on every issue, she said. Women's groups should not, for example, expect minority groups to be with them on everything.

There are no fewer than ten coalitions of women's organizations in Washington at present, she said. The oldest is the National Coalition for Women and Girls in Education; others are one on women in the military; one on pregnancy discrimination, now disbanded because its goals were reached; one on women's health; one on the problems encountered by older women; and an appointments coalition. That one, she noted, is active at the beginning of an administration; it will be busy soon.

Minority Women. An administrator noted that this was the first conference she had ever attended at which minority concerns and women's concerns were mentioned together. The problems are different, she said. A black woman like herself, she said, is pulled between her commitment to civil rights and her commitment to women's issues. She was sorry, she said, that there were few Hispanics and black women at the conference.

Sandler responded that from the early 1970s women's groups have been concerned with the special problems of black women and other minority women. She mentioned joint activities undertaken by women's groups and minority organizations. She related what happened in 1975 when the Title IX regulation was issued. It included a proposed regulation which would have allowed HEW to ignore many charges of discrimination. Groups representing Hispanics, minorities, the handicapped, and women all joined to develop a combined strategy and eventually defeated that plan. Another example she pointed to concerned the Fair Labor Standards Act, which excluded domestic workers. Minority groups had tried for years to have domestics included in the coverage, but they could not succeed until they were joined by the women's organizations.

Sandler observed that minority women should take part in women's organizations because "you cannot count on us to know your issues as well as you do. And even white women of good will sometimes honestly forget the minority problems. They don't mean to but they do."

There is a myth that the minority woman is the "golden woman" in academe, Sandler said. There are few data on this question, but what evidence she had seen has persuaded her that minority women are in fact worse off in academic life than minority men are--and in more trouble than white women are. One study showed that minority women were less likely than either white women or minority men to have appointments at the better known colleges and universities. The myth that black women are being especially wooed by universities and can essentially write their own tickets is like the myth that all women are especially advantaged in terms of faculty appointments, she said. Individual women are seen as representatives of their entire sex. A woman is made president of the University of Chicago and everyone says, "See? Women have made it."

Prospects for Affirmative Action. One participant questioned the value of the strategies espoused by Sandler by saying we should consider the results from affirmative action programs small compared to the amount of energy put into them. At the national level, what is needed is an overall strategy that does not involve small, shifting groups. We need the kind of organization and planning that have made the Moral Majority the political force it is, she said.

Sandler responded that, in fact, she herself had underestimated the amount of hard work it takes to bring about change. She reiterated that, with a new administration, there would indeed be changes in national programs. Members of the House and the Senate will want to change things. There is clear danger of losing some of the gains we have made, she noted.

But she reminded those present that a great deal of progress has in fact been made in the last ten years. "Ten years ago," she said, "faculty members were still writing, 'Thank you for your application. You are very well qualified for this post but we already have a woman in this department.' Now, they may, in some instances, still think it, but they are careful about saying it or writing it down. There is much more awareness now than there was earlier. And we have made enormous progress in getting women into the professional schools. Before 1972, how many women did you have in the veterinary college at Cornell or in the medical college or in the law school?"

She observed that we might lose part of Title IX in the years ahead, perhaps sports. But she predicted that we would not lose all of Title IX. One participant brought the news that a Continuing Committee of the National Women's Conference was aiming to bring together all the women's groups in the country to lay plans for strategies to protect women's rights.

Focusing on the local level, a member of NOW spoke for her group when she urged academic women to get involved in community organizations. "We want to support you in your efforts on campus," she said, "but we need your inspiration and your participation to be able to do that." A male faculty member cautioned those present that they must remember that this is a long process. "Who will benefit?" he asked and answered his own question: "Our grandchildren. How long will we be willing to stick to this fight? As long as it takes. To eternity, if necessary."

One national and local problem is that many women are not involved in the struggle yet, Sandler noted. For example, many women do not yet understand how the passage of the Equal Rights Amendment would strengthen families. Yet in her travels around the country, she finds woman after woman who says, "I'm not for 'Women's Lib' but...." and then gives a list of feminist concerns. Too many women still think of the general problem of women's inequities as completely unrelated to their individual problems. If we could only get them to see the connections, we could bring about change faster, she said.

A faculty member remarked that one hundred years ago, Elizabeth Cady Stanton was thinking about exactly the issues we talk about today. "I take hope," she concluded, "from the fact that there are people at this conference who were sent by their male vice presidents at their institutions. I think the kind of information we are exchanging should be made available to all presidents and vice presidents and administrators at all the colleges represented here." "And," she added, "the best part of this conference is that there are so many young people here who will carry on the work."

Sandler concluded by thanking those present for the tremendous amount of hard work they had done to bring about the new opportunities open today. There are problems ahead, she said, and there is much to be done. But "the future is in your hands."

5.
Progress and Pitfalls: Reports from Participating Institutions

The papers in Chapters 1 to 4 were presented on Saturday, November 8, 1980. The next morning, participants gathered to share reports, observations, and predictions. Some of the representatives had to leave early, but left their reports to be read by others. Others sent in reports to be read for them.

REPORTS

Princeton University. "Three things have happened recently to change our situation. (1) In one year, there has been a 50 percent increase in the number of tenured women faculty. That is, in twelve years, the university had found only nine women to promote to tenured posts. In the last year, five more have made it to tenure. (2) Previously, it had been said that a women's studies program would have to prove itself at Princeton before it could become a real part of the university academic community. Many of us felt it was Princeton that had to prove itself. Now, in any case, a full-blown proposal for a women's studies program has been developed. It will be voted on by the faculty next month. (3) A faculty committee on appointments and promotion policies has set itself an ambitious and far-ranging agenda.

"The women named to tenured posts at Princeton in the past have been, for the most part, on the periphery of women's issues. Perhaps they had to be. The new appointees are not, however. Overall, the most promising of the three developments is the third.

"Meantime, the Philadelphia Equal Employment Opportunity Commission has bogged down on the case of Diane Ruble, the assistant professor of psychology and well-known women's studies researcher who was denied tenure. Her situation has concerned many of us here deeply. We are approaching Washington, seeking action there."

Janet Martin
Associate Professor, Classics
Princeton University

Brown University. "We believe that our consent decree offers a model for the kinds of internal changes that are needed in order to increase the number of women on a faculty and to combat sex discrimination. I think a number of these could be initiated without a law suit. They include: (1) a set of goals and timetables for the hiring and tenuring of women; (2) a faculty committee to review appointments before they are made with the charge of assuring that there is no discrimination and that where a man and woman seem to be of equal qualifications, the woman is hired (affirmative action); (3) a set of clear standards and procedures for departments and for the administration for hiring, contract renewal, and tenure; and (4) a faculty-appointed grievance committee that would have the power to recommend remedies (such as hiring, renewing a contract, granting tenure) to the administration.

"Clearly the last is the hardest to achieve since most grievance procedures have no clout and end up merely asking the same individuals who made the earlier decision to reconsider. The advantage of a consent decree is that the woman grievant can go to court if dissatisfied with the committee decision. But even here we are having trouble, since our Affirmative Action Monitoring Commitee keeps getting overruled by the administration here."

Louise Lamphere
Associate Professor,
Anthropology
Brown University

Western Michigan University. "We have seen an increase from 21 percent women to 25 percent women on the faculty in the last five years. These figures include temporary, non-tenure-track appointees, however. The salary discrepancy

has changed from about 85 percent of men's average salaries to about 95 percent average. An equity adjustment was made as a result of a union contract.

"A complaint filed with HEW in 1972 is still outstanding. It has been divided between the Department of Education, which continues to handle the Title IX portion, and the Office of Federal Contract Compliance of the Department of Labor, which handles the affirmative action portion. On July 25, 1980, the solicitor of labor filed an administrative complaint against Western Michigan University for failure to produce an acceptable affirmative action plan in compliance with Executive Orders 11246 and 11375, indicating fourteen areas of violation. This is, reportedly, the first administrative complaint filed against a university. WMU is currently involved in writing a new affirmative action plan and has hired a professional firm in New York City.

"Two court cases currently active against WMU involve: (1) a tenure case in which the department and dean recommended tenure while the chair and the vice president denied it--the charge is sex discrimination, and the department is sociology; (2) a suspension case of an associate dean in the College of Health and Human Services. The charges are sex discrimination and handicap discrimination. The grievant was suspended for refusing to provide medical records on the diagnosis and prognosis of her disease, multiple sclerosis."

Patricia Klein
Assistant Professor
Social Sciences, College of General Studies
Western Michigan University

Amherst College. "Our college first admitted women in 1976; the first faculty women were hired in 1974. We now have 4 tenured women out of a total of 150 tenured faculty. The effort seems to be not so much to retain and promote the women faculty but to remain within the letter of the law. One interesting development on our campus is that there is now a critical mass of women faculty and students who are, in fact, moving toward acting together."

Ruth Stark
Assistant Professor, Chemistry
Amherst College

George Washington University. "A new affirmative action director has been hired."

Ithaca College. "Reportedly in the process of naming a new affirmative action officer who will have special responsibility for recruitment and promotion policies."

Monroe Community College. "This large community college was pressed two years ago to set up an affirmative action office. At present, the affirmative action officer is serving part time. He has an active affirmative action advisory board assisting him."

Reported by Michal Montgomery
Executive Director
Office of Equal Opportunity
Cornell University

State University College at Cortland. "Previously, we had separate athletic programs for women and men at SUNY Cortland; now the program is integrated. We have thirteen hundred majors in physical education. We have formed an athletic council of faculty, administrators, and students, both men and women. Our aim is to have a model program of compliance with Title IX."

Marcia Spaeth
Acting Dean, Professional Studies
SUNY/Cortland

State University College at Geneseo. "We have a new president at SUNY Geneseo who is supportive of affirmative action. This is an enormous help. About a year ago, women lodged a complaint with my office that there was inadequate locker space for women in the field house. We have just completed renovations that made locker space equal for both sexes. This was financed out of our academic budget, which created quite a stir. We understand that HEW was so impressed by this that they are coming to investigate us. We have reached, and in some cases exceeded, our goals for hiring women. Among our new hires to academic posts, 49 percent were women. With regard to salary equity, we have rank-for-rank, women earning 99 percent of what men earn. However, when we compute the salaries another way, it can be seen that, overall, women earn only 80 percent of men's wages

due to the high number of men at the higher ranks. We find it difficult to recruit women faculty in accounting and business; it is easier in fields like special education. Women's studies is flourishing at SUNY/Geneseo; we have twenty-three courses now; they have among the highest enrollments in the college. We try to encourage students (64 percent of whom are women) to go into fields that are nontraditional for their sex. We focus on outreach to rural women and mature women who may never have considered going to college. Part of our affirmative effort is to recruit men for the undergraduate programs and women for the graduate programs. About 39 percent of all employees are women, and 29 percent of the faculty are women. At SUNY/Geneseo we take special pride in the outreach, since there appears to be a hunger for imaginative programs. The institution was not so enthusiastic about our outreach until it became clear that there would be a flood of applications resulting. Our women's center is now open."

Bette Adelman
Affirmative Action Officer
SUNY/Geneseo

University of Pennsylvania. "One problem affirmative action officers on many campuses have is that they are seen by women and minorities as part of the administration and by the administrators themselves as 'on the other side.' One justification AA people can give for asking for a more active role can be found in the Sweeney v. Keene State decision. There, the judges reprimanded the AA coordinator for lack of action on behalf of women. Thus, an AA officer can tell faculty and administrators that he or she does not wish to be liable in court for AA violations.

"We have a new affirmative action coordinator at the University of Pennsylvania. She has asked us to have a conference just like this one on our campus!"

Helen C. Davies
Associate Professor,
Microbiology
School of Medicine
University of Pennsylvania

University of Vermont. "We have a newly appointed affirmative action officer; no formal women's studies

program but interest in it; a student body that is 50 percent women; and a comparatively large number of women coming up for tenure next year."

Joanna Rankin
Assistant Professor
Department of Physics
University of Vermont

Loyola Marymount University. "In 1973, Loyola (formerly a men's college) and Marymount (formerly a women's college) merged; now there is a strong joint commitment to women's rights. We have a high Chicano constituency, an active committee on the status of women, and although the women's center has been closed, a women's studies program. Due to an institutional commitment to human rights, we have an effective grievance procedure that has in fact ruled in favor of women grievants. Women are invited to serve on all search committees; 50 percent of the students are women; salaries of men and women are fairly close. On the minus side, however, although we had the first woman dean at a Jesuit university, she was fired peremptorily; and there seems to be strong sentiment, even backlash, against appointing women administrators."

Reported by Virginia Merriam
Visiting Professor, Genetics
and Development
Cornell University

Cornell University. "As chair of the Affirmative Action Advisory Board, I take the group's mandate seriously: we make policy recommendations to the provost and investigate problems on our own initiative. Affirmative action responsibility can't be thrown entirely on the administration; it must be shared by the faculty. In any case, when AA procedures are violated, departments have the liability, monetary and otherwise. A committee of Cornell's Faculty Council of Representatives is reviewing the university's grievance procedures; the AAA Board is monitoring their work. Monitoring recruitment and promotion processes must be part of the ongoing procedures and not just a review of decisions after they are made, it seems to me. I believe in the good faith of the administration; the issue is to help them. There is a $50,000 fund to encourage departments to hire women

and minorities--that is an example of an affirmative action the administration has taken for which they get little credit. In summary, we have a long way to go, but we are moving."

Lee C. Lee
Associate Professor
Human Development and
Family Studies
Cornell University

Cornell University. "Two years ago, we had an Office of Federal Contract Compliance review by Department of Labor investigators, the results of which have not yet been transmitted to us. We do know that the investigators found here, as at other universities, the need for goals and timetables. I can tell you that of seventy-nine faculty hires last year, twenty-nine were women. That is good, but I believe that the area of promotion to tenure and the need for effective grievance procedures are the critical areas at Cornell now. I believe the faculty here must reconcile themselves to the fact that federal and state investigators have the right to see personnel files. We should not try to cover ourselves with the shroud of confidentiality as at Berkeley. We are one of eight institutions now being reviewed for compliance with Title IX of the Education Amendments Act of 1972. This much I can tell you now: the finding of that compliance team will be based on very careful investigation of our athletics program. In recent years, we have had several findings of "probable cause," that is, federal or state investigators have ruled that there is probable cause to believe that sex discrimination took place in individual cases."

Michael Montgomery
Executive Director,
Office of Equal Opportunity
Cornell University

Cornell University. "For another perspective on the situation at Cornell, I shall speak for the Cornell Eleven. It is difficult for us to rely on the good will of the faculty or the administration at Cornell when women are so underrepresented here. Of 765 full professors, only 34 (4 percent) are women; of 388 associate professors, 45 (12 percent) are women; of 355 assistant professors,

72 (20 percent) are women. Since 1971, the percentage of tenured women has increased less than 1 percent.

"Twenty-two women have filed grievances against Cornell with the human rights commission; of these, five are named plaintiffs representing the group of grievants known as the Cornell Eleven. We recognize that these cases are hard to win, but we are determined to stick it out--for fifteen years, if that is what it takes. What remedies are we asking for? Tenure for those to whom it was denied; tenure-track appointments for those who have been unfairly shuttled into nonladder positions; damages; the provision of sex equity education for administrators; and changes in the grievance procedure."

Jacqueline Livingston
Former Assistant Professor,
Photography
Cornell University
Member, Cornell Eleven

Women Chemists Committee. "One of our major projects has been to monitor the progress of women on chemistry faculties. It is said that the number of women chemistry professors has doubled in recent years. That is true. We have ascertained that the percentage has risen from 1.5 percent to 3.1 percent--132 out of a total 4,253 faculty members at Ph.D.-granting institutions. The biggest receivers and spenders of federal monies in research and development grants, the top thirty universities, had in 1970 4 women out of 1,058 chemists; by 1978, 26 women out of a total of 1,009. Only one of these institutions has ever been cited for noncompliance with federal law. That was Harvard. The citation was lifted after one day. I believe that these federal laws are simply not being enforced. This suggests that the law should either be changed or it should be obeyed.

"Ninety-five percent of the faculties with twenty or more chemists have not one woman on the faculty. Where we do find women, they are so often the only one--lone and lonely. We have been urging departments to hire them three at a time. Now, I may say, the University of Minnesota is going to have that opportunity.

"These prestigious chemistry departments granted Ph.D.'s to 68 women last year, but only hired 7 of them for faculty posts. Can it be that the women's degrees are not as good as the men's? It seems unlikely. I have observed that many department chairmen say they

just cannot find women chemists. But they seem to neglect looking in their own departments and in their colleagues' departments elsewhere, where they have no trouble locating male candidates.

"What is needed is more dialogue in a nonadversary situation. What we do not need is young professors marching off to jail in their academic robes. We cannot wait another three generations. One force for change can be the professional associations."

Wanda L. Brown
Chairwoman, 1976-80
Women Chemists Committee
American Chemical Society

DISCUSSION

These reports resulted in general discussion at the end of the conference. A faculty member observed that one way faculty members can help advance the cause of affirmative action outside their own campuses is in their role as reviewers for granting agencies. Grants could be held up, she said, if reviewers insisted that persons proposing research projects had to demonstrate their compliance with equal opportunity procedures.

On the problems of recruitment of women and minorities, a Cornell faculty member noted that her department chair persisted in believing that there are no qualified women in her field, despite solid evidence to the contrary. A faculty member from another institution noted that the best new-hire rate reported at the conference was under 50 percent. That is not good enough, he observed, if we are to make up for the past. It will be hundreds of years before faculties are equalized if the hiring rates are not better than that. At his institution, he noted, when a white male is to be hired, the search committee has to include the credentials of the two best women who were considered and the two best minorities who were considered. The result of this mechanism, he said, is that department chairmen must find women and minorities before they can declare their searches complete.

Grievance Procedures. In a discussion of effective grievance procedures, it was pointed out that special

attention must be paid to detail. Because procedures outlast individual provosts and presidents, one cannot rely on unwritten understandings. At Miami University of Ohio, there is a superordinate committee reporting to the president that reviews all promotion decisions and sends them back if the proper procedures have not been followed. The affirmative action officer sits on that committee.

One tactic grievants can use is to insist that their credentials be compared with those of white males who have been promoted during the past three years. Departments tend to talk a lot about how standards have gone up and be unwilling to compare credentials fairly, it was said. When women come up for tenure, there is talk of great financial stress; the women may be turned down and told that the reasons were financial, not related to their sex. But the next year, the institutions mysteriously find money to promote a few men.

With an effective grievance procedure, the best situation, it was asserted, is the one in which the procedure is never used because the administrative officers and faculty members are behaving honorably. The second-best is the one that always results in the institution winning. This means that the administrative officers were, in fact, following procedures for employment decisions properly and fairly. The worst situation is the one that always or nearly always results in the grievants winning. This means, it was asserted, that new administrative officers are needed.

Confidentiality. The issue of confidentiality, and the wisdom of going to prison to protect that principle, was debated. It was noted that the concept of academic freedom began as freedom of the students in German universities to travel about and study under whom they would; it has come to mean the freedom to teach whatever one deems best, but it should not be construed to mean that one can do research on any subject one pleases. Here, the example of germ warfare research was invoked; this has no place in universities, it was said, because such research cannot be published for the benefit of the community of scholars.

Should Professor Dinnan at the University of Georgia have gone to prison rather than reveal his vote? In the opinion of those present, he should not have. The value of accountability should take precedence over the value of confidentiality. Academic freedom, one participant

noted, should not be interpreted to mean the freedom to violate state and federal law nor the freedom from prosecution for criminal acts.

Secrecy has not served universities well, one participant declared. It was noted that the secret ballot was developed to protect the rights of the powerless, so that they could vote away a tyrant in secrecy. Now the secret ballot is being used by the powerful against the weak. It is an uneven contest between an allegedly unpromotable junior person and the massed senior staff.

Another participant remarked that some faculty members may be clinging to confidentiality for fear of being held liable for slander or libel. A clarification of the legal status of an opinion honestly given would help relieve this unease, she felt. Another faculty member present observed that the Dinnan imbroglio had prompted her department's decision to not write down any reasons for personnel decisions. To which another participant responded, "Faculty members should realize that any decision they make may have to be defended in court."

At the University of Pennsylvania, Robert Davies reported, one woman's dossier was subpoenaed by the court and later published. The outrageous things people had said about her were made public. She is now the chair of an influential committee; she can look anybody in the eye. "I don't think we need to fear disclosure so much," he said. "Faculty members live together the way people live together in families. Bad things happen, but they are forgotten, and we go forward."

In that spirit, another participant asked if these problems were really an issue of gender. "Isn't this a classic case of the ins versus the outs?" she asked. "I think we should ask ourselves how we--the women and minorities--would be acting if we were the ins and white men were the outs."

A more immediate problem, another participant said, is that women and minorities are standing on a platform that can be jerked away at any moment. Michael Montgomery, executive director of Cornell's Equal Opportunity office, concurred. "The legal protection of women and minorities in academic life does rest on Title VII and on the executive orders," he said. "The orders may be changed with a new executive in power. The only way everybody's rights

can be protected is by a strong coalition of women and men, minorities and nonminorities."

The reports from individual colleges made clear that some institutions are taking action to comply with both the spirit and the letter of the equal opportunity laws. Princeton doubled the number of tenured women faculty in recent years; Brown settled with its grievants out of court; SUNY/Cortland is striving to set up a model of voluntary compliance with Title IX; SUNY/Geneseo is experimenting with imaginative outreach programs; MIT is building in supports for junior faculty; the University of Pennsylvania made sweeping reforms in its grievance procedures.

And Cornell? Cornell University has had women students for more than a century and women faculty since 1911. Cornell offered the first interdisciplinary course for credit on women at any major university and founded the first women's studies program. Nearly a century ago, founder Ezra Cornell wrote that his university wanted and needed the best professors available "regardless of sex, religion, politics, nationality, or color." In November 1980, Cornell University had a conference. Ezra Cornell's great-great-great-great granddaughter (now one year old) was among those present. Many of us who care about universities and about the welfare of individuals within them left the conference with the conviction that discussions like those we had heard would ultimately make possible the realization of her ancestor's ideals--and the people of her generation, and her descendants, would benefit.

Appendixes

APPENDIX A

GO FIND YOURSELF A MENTOR

by Mary P. Rowe

One of my major pieces of advice for all women in nontraditional environments is to find themselves mentors. A mentor can be any race or sex or age. You do not have to like him or her; therefore, you have a very wide range of people to choose from, including both pleasant people and those you consider to be dinosaurs. Anyone can help you so long as this person is competent and responsible.

Often young people are told to find role models, preferably of the same sex and same race, likable ones, ideally of the same sexual orientation and value structure. One is told to find this saint and then learn to be like her or him. Saints however are few (especially ones of the same sex, same race). Therefore, it is easier to find a mentor. Even a dinosaur can be encouraged to be a mentor, just so long as she or he is competent.

A mentor is a person who comments on your work, criticizing errors and praising excellence. This person sets high standards and teaches you to set and meet your own high standards. A mentor teaches you how The System works. If you are in a hospital or in industry, you learn the organization chart and also how the place really works. If you are in academe, you learn the organization chart and also how the place really works. Most important, you learn how to succeed in your studies, how to succeed in your work, how to get promoted, on the basis of excellent work.

Mentors teach you which intellectual problems are important and how to recognize them yourself. They apprentice you in proposal writing, conference presentation,

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This paper, not delivered at the conference, is presented frequently by the author to women's groups.--Editor.

resumé construction. They introduce you to important networks, talk about your work to others, and find you jobs. Initially, they are your evaluators and the links to other evaluators. They teach you how to set your own goals, how to evaluate yourself realistically, and how to succeed.

Many women find it hard to acquire a mentor. Senior women are exhausted and occasionally jealous of their uniqueness. Senior men sometimes ignore women, or they advance on women as sex objects, or they avoid women because they are sex objects and wives would complain. Junior women are often shy. What can junior women do to find a mentor, even if they feel shy?

Nearly any competent and honorable person can be helped to become your mentor. I mean this, of course, not in the Machiavellian, exploitative sense, but in the context of respectful, honest behavior on your part. Take responsibility for finding decent mentors.

First you need to observe carefully what kind of person you are dealing with. Be receptive to advice and counsel offered to you from responsible people even if you do not particularly like them. Stay away from people who want to use you or hurt you, even if you are attracted to them. Because negative or destructive mentorship is also possible, it is especially important never to engage emotionally with someone who may wish to hurt you. Do not pick fights or respond to provocation from negative mentors. Stay away from such people.

When you find honorable people who know more than you in any important arena, seek them out. Be both receptive and responsive. You do not want to use other people yourself; the reward to others from helping you lies in your own responsiveness and creativity. Thank others for any help you get, give credit with scrupulous care to those who help, bring credit to your mentors for having sponsored you. Here are some possible steps:

1. Introduce yourself; make the first contact--always on a professional subject. Go up after class, write a letter to an expert, asking an important question; comment on his or her last article; send your articles in draft to her or him for comment.

2. Do it again, respectfully and intelligently.

3. Begin to ask for help about your errors and excellence. Cherish the good advice you are given, and thank your mentor when he or she is helpful. Say it even if she or he brushes it off or says, "it was nothing." Be sure you acknowledge all the help you are given.

4. See if you can apprentice yourself, as a research helper, teaching assistant, junior collaborator, proposal writer.

5. As you get to know your mentor, be friendly, open, and very professional. Get to know her or his spouse; introduce your own friends. Avoid sex with a mentor at all costs--unless you plan marriage or unless your professional work is so good that nothing can hurt you. If, however, sex does become part of the relationship, keep yourself visibly and sturdily independent. If a lot of work is accomplished, make sure you get credit for it. Try to be independent enough to move to another job or another city to advance if that becomes necessary.

6. Seek out several mentors if it seems at all appropriate. Nobody is or can be perfect at everything. You may learn different things from different people.

7. Do whatever you can to help your mentors forever after, and give credit in public for the help you've gotten. This reinforces good behavior everywhere. It will encourage you to become a first-rate mentor. (With care and practice you may even become a good role model for mentors!)

APPENDIX B

FACULTY GRIEVANCE PROCEDURE, UNIVERSITY OF PENNSYLVANIA

I. Applicability

a. This grievance procedure shall be available to any member of the University faculty, whether tenured or untenured, whether full time or part time.

b. A grievance is a claim that action has been taken which involves the faculty member's personnel status or the terms or conditions of his/her employment and which is: (1) arbitrary and capricious; (2) discriminatory with regard to race, color, sex, sexual or affectional preference, age, religion, national or ethnic origin or physical handicap; or (3) not in compliance with University procedures or regulations, whether or not (1), (2) or (3) determined the outcome.

II. Faculty Grievance Commission

a. There shall be a Faculty Grievance Commission (the commission) composed of three members of the standing faculty with the rank of full professor. They shall be appointed by the Senate Advisory Committee for staggered three-year terms expiring September 30. These three members shall serve serially as chair-elect, chair and past-chair of the commission.[1]

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[1] Copies of this procedure are available from the Office of the Secretary, 112 College Hall, University of Pennsylvania, Philadelphia, Pennsylvania 19104.

b. The chair of the commission shall be the primary administrator of the Faculty Grievance Procedure. The past-chair shall serve as presiding officer at grievance hearings. The chair-elect will observe the functions of the commission and may attend hearings. Each member of the commission may substitute for another member when necessary by virtue of a conflict of interest or otherwise.

c. There shall be an independent legal officer to assist the commission in its operations. The legal officer's appointment and terms of employment shall be jointly determined by the chairman of the Senate and the provost. Once appointed, the legal officer's professional responsibility shall be to the Senate.

III. Preliminary Procedures

a. Before filing a grievance with the commission a faculty member is encouraged to review his/her complaint with his/her department chair, dean, the chair of the commission, the University ombudsman and other University groups concerned with the protection of the rights of faculty members[2] in an attempt to effect an equitable resolution. Consistent with the informal nature of the discussions at this stage, neither a written statement of the complaint nor a written answer thereto need be prepared.

b. Failing to receive satisfaction, or not willing to proceed informally, the faculty member may take steps to formalize the complaint. He/she shall inform his/her dean in writing of the nature of the complaint and of his/her intention to file a grievance with the commission. Additional discussions will normally ensue, perhaps for several weeks. However, the faculty member may, after the expiration of one week from the date of written notification, request in writing a written statement from the dean of the reasons for the actions which

are the subject of the faculty member's complaint. The dean's written statement should either be approved by or accompanied by the separate statements of the department chair and the chair of any departmental or school personnel panels which have reviewed the case. The dean's and related written statements should be supplied to the faculty member within two weeks after receipt by the dean of the written request for such statements. Exceptions to these deadlines may be necessary during the summer months.

c. If the faculty member is not satisfied with the outcome of the oral and written exchange with his/her dean, he/she may file a grievance with the commission one week after the dean's and related written statements were due or received. Written notice of the grievance and request for a hearing shall be submitted to the commission through its chair with a copy to the provost. Where a faculty member has not filed a grievance with the commission within 90 days of the date on which the dean sent the written statements of reasons, the dean may inquire in writing whether he/she intends to file a grievance. In that event, the grievance shall be treated as abandoned unless it is filed within 30 days of such inquiry.

d. Since grievances may be cumulative and a faculty member may be uncertain whether he or she has been aggrieved until additional observations are taken, several years may sometimes expire before the faculty member is convinced or aware that cause exists to set the grievance machinery in motion. In consideration of this, a faculty member may base his/her grievance on prior as well as current events or conditions. Since problems of assembling and assessing evidence become more severe, however, as time passes, the grievance, where feasible, should be focused on recent or continuing events or conditions.

e. In the event it should appear to the chair of the commission that the grievance raises a matter of academic freedom, he/she shall refer the notice of grievance to the Senate Committee on Academic Freedom and Responsibility (Senate committee) which shall promptly determine whether the grievance is in fact within the jurisdiction of the appropriate school committee on academic freedom and responsibility. In the event that a determination is required as to whether the grievant presently does or does not have tenure, the chair shall refer the issue to the Senate committee for determination.

f. The chair may determine that a grievance shall not be processed either because the claim is deemed not to be a grievance as defined in section I:b, because the matter at issue in the grievance has been the subject of a prior grievance or because, in the opinion of this officer, the grievance is of so little consequence or merit that no panel should be created. This decision may be overruled by the chair-elect on appeal by the grievant.

IV. Participants

a. Upon the formal filing of a grievance, the chair shall so inform the provost and proceed to the constitution of a hearing panel (the panel) in accordance with the procedures set forth below:

(1) The panel will ordinarily be composed of three faculty members chosen from a hearings list. The hearings list will consist of at least 20 persons selected by the Senate Advisory Committee from members of the standing and associated faculty. The list should be broadly representative (including women and members of

minority groups) but shall not include faculty members holding administrative appointments such as department chair, assistant or associate dean and vice-provost. Members shall serve for three-year terms expiring September 30 of the third year. Appointments shall be arranged so that the terms of approximately one-third of the members shall expire each year. Replacements shall be selected by the Senate Advisory Committee as needed.

(2) The three members of the panel shall be chosen at random from the hearings list. The grievant and the respondent (see paragraph b below) may each exercise up to three peremptory challenges. The commission, on its own motion or on the motion of the grievant or the respondent, may disqualify individuals on the hearings list for service on a particular panel for reasons such as family or other potentially biasing relationships to either the grievant or others involved in the case or prior involvement in voting or other actions bearing upon the case, or membership in the same department as the grievant. The commission will devise rules for the random selection of panel members.[3]

b. The chair of the commission shall ask the provost to designate the University person (the respondent) who shall act on behalf of the person or persons taking the action complained of.[4]

c. The grievant may have a University colleague aid in the preparation and presentation of his or her case to the panel. Such a colleague should normally have academic qualifications in the grievant's field of study and therefore be able to provide expert assistance in

the case. When the grievant has the aid of a colleague, the corresponding opportunity will be extended to the respondent. The University colleague for the respondent shall, however, be in that category of persons eligible to serve on panels. It is not the intention of these provisions to permit either party to have such a University colleague serve as legal advocate in the presentation of the case.

d. The chair shall ascertain whether the grievant chooses to have a University colleague and, if so, whether the respondent also chooses to have a University colleague. The chair shall convey to the presiding officer the written notice of the grievance and the names of the panel, the respondent and the University colleague(s), if any.[5]

V. Procedures

a. The decision on the merits of a grievance will be made by the panel after hearings in which the grievant and the respondent have the opportunity to present their cases. Hearings shall be chaired by the presiding officer, assisted by the legal officer. Arguments, oral and documentary evidence and witnesses will be presented first by the grievant and then by the respondent. The presiding officer shall have the power to call witnesses and to introduce documents and shall, at the request of the panel, obtain expert opinion from inside or outside the University. Each side shall have the right to address questions through the presiding officer to witnesses introduced by the other side. If panel members then have questions, they may submit them in writing to the presiding officer.[6]

b. A hearing will follow an agenda prepared by the legal officer that is based on prior demonstration of relevance by the grievant or the respondent. Such determinations

of the relevance of issues, oral statements or other evidence by the legal officer may be overruled by the presiding officer on appeal by a party.

c. The legal officer and the presiding officer shall have access to all documentary evidence that is in the custody or under the control of the person or persons who took the action complained of or of the grievant and that is deemed by those officers to be relevant to the grievance.[7] If documentary evidence is needed by the grievant or the respondent in the preparation of his or her case, or by the panel in the course of its deliberations, application for access to such evidence shall be made to the legal officer, who shall determine, subject to appeal to the presiding officer, whether the evidence requested is relevant and, under the authority of the commission, shall obtain evidence deemed relevant. All such evidence shall be available to the panel, the respondent, the University colleague(s), if any, and subject to restrictions of confidentiality, to the grievant.[8]

d. The commission may establish such further rules and procedures as it deems necessary to supplement those specified herein. Where procedures have not yet been adopted, the presiding officer may rule on the matter. Appeals from such rulings may be brought to the other members of the commission and, if denied, to the Senate Advisory Committee. Appeals from rules established by the commission may also be presented to the Senate Advisory Committee. Procedures adopted under this provision should be included in the annual report of the commission. (see section X.)

Appendix B

VI. Findings

a. The panel shall prepare a written report which may include a minority opinion. After making its decision but before writing its final report, the panel shall discuss with the legal officer and/or the presiding officer the most appropriate way to present its report. The report shall contain a clear statement of the elements of the grievance and the panel's decision with respect to each one. In cases in which any element of the grievant's claim is upheld, the salient findings of facts that have led the panel to each of its conclusions with respect to the injury done to the grievant shall be summarized. The panel may propose remedies. The panel shall not however have the responsibility or the authority to make a reevaluation of professional competence. In cases involving appointment, promotion or tenure it may recommend a full review and reevaluation of the case. The panel may suggest to the provost procedures that might be followed in such a reevaluation, but the choice of procedures remains with the provost. The provost shall ensure that the recommendations of the panel and its supporting documentation, if any, are included in the documents considered in the reevaluation.

b. The presiding officer shall distribute the panel's report to the grievant, the provost and the respondent. The person or persons who took the action complained of may obtain copies of the report from the commission chair or the provost.

c. Since the panel's report is to be succinct, the provost may wish to consult with the presiding officer to obtain more information about the case. It shall be the duty of that officer to provide the provost, upon request, with the details underlying the panel's report and to make available the full documentation.

d. While the panel's report is to be accorded great weight, it is advisory to and not binding upon the provost. The provost's decision shall be made and communicated in writing within six weeks to the chair of the commission, the grievant and the respondent. In the event the provost declines to implement the recommendations, the written communication shall include the detailed reasons, and shall be sent also to the chairman of the Senate.

e. When the presiding officer is satisfied that the final action on the case within the University has been taken, he/she shall recommend to the chair of the commission that the panel be dissolved.[9]

f. If the grievance proceeding uncovers an administrative action or practice that seemingly violated University procedures or otherwise led to inequitable treatment, it is the responsibility of the presiding officer to bring the matter to the attention of the chairman of the Senate and the provost. The chairman of the Senate, working through the ombudsman, the Senate Committee on Academic Freedom and Responsibility or other channels, should see to it that the matter is examined. The chairman of the Senate shall report to the Senate Advisory Committee not later than the following semester whether such actions or practices have been found to exist and if so what measures have been taken to correct them.

VII. Confidentiality

a. Since the work of the commission and its panels requires the highest level of sensitivity to the privacy of all concerned, members of the commission, members of panels, grievants, respondents, University colleagues and witnesses shall accept the moral obligation to maintain confidentiality with respect to oral and documentary evidence presented

and deliberations occurring during the processing of individual cases (except as necessary in the preparation of a case or as otherwise noted in this document). All others are expected to respect the privacy of all concerned to the greatest extent possible.

b. Except as otherwise provided in this document, or as authorized by the chairman of the Senate, the report of a panel shall be treated as confidential by all participants in a grievance proceeding and by all members of the University community.

VIII. Hearing by the Senate Committee on Academic Freedom and Responsibility

a. In cases which involve reappointment, promotion or tenure, and in which the provost has declined or failed to implement the recommendations of the panel to the satisfaction of the grievant, the grievant may obtain a hearing before the Senate Committee on Academic Freedom and Responsibility (Senate committee) on the actions of the provost. The report and recommendations of the panel and the statement of the provost shall then be made available to the committee. The committee shall also have access to all evidence presented to the panel and the records of the hearing before the panel.

b. The Senate committee shall follow as far as possible procedures consistent with section V:a for the conduct of the hearing. The parties shall not be permitted to introduce evidence presented before the panel, and the findings of fact of the panel shall be accepted by the Senate committee if they seem to have been fairly arrived at. The Senate committee shall determine whether the provost's action in declining or failing to implement the recommendation of the panel to the satisfaction of

the grievant was reasonable in the circumstances. If the Senate committee finds that there is significant evidence that was not previously available to the party asserting its relevance, it may return the case to the presiding officer for consideration by the panel.

c. The Senate committee shall promptly report its findings and recommendations to the president with copies to the provost, the chair of the commission, the panel, the grievant and the respondent. A copy shall also be given to the editor of Almanac.

IX. Expenses

Necessary and proper expenses for processing a grievance shall be met from University resources. It shall be the responsibility of the presiding officer to determine what is necessary and proper. To the extent possible, administrative and secretarial services should be provided by the office of the Senate. Services that cannot be furnished in this way and other necessary costs should be charged to a commission budget in the office of the Senate. These charges shall be under the administration of the chair of the grievance commission.

X. Annual Report

An annual report should be written by the commission at the end of the academic year. It should describe the activities of the commission and give an account of the cases completed or in progress with due regard for the maintenance of confidentiality. It should be sent to Almanac, the chairman of the Faculty Senate, the president and the provost.

Notes

1. The cost of compensatory release from teaching should be provided from central University funds as needed.

2. The chair of the commission shall invite such University groups to identify themselves.

3. The designation of panel members shall be made according to the random order except that no member of the hearings list who has already served on a panel shall be designated for service on further panels until all eligible members have served at least once. These panel members, where possible, shall continue to serve on the panel until the case is concluded, even if this means that they serve beyond the time they retire from normal service on the hearings list.

4. Such "person or persons who took the action complained of" might include the following: department chairpersons, department personnel committees, department members who decide on departmental recommendation for personnel action, the deans of the schools, the school personnel committees, the faculties of the school, the provost and the president.

5. This process should be completed within four weeks of the date of filing the grievance.

6. There must be a majority of the panel present at all times during all hearings. It is the responsibility of the grievant and the respondent to ensure the presence of their witnesses at times deemed appropriate by the legal officer. Neither the grievant nor the respondent may present evidence to the panel unless the other is present. One and only one tape recording shall be made of hearings. These tape recordings shall be kept in the custody of the commission. The panel, the grievant, the respondent and or their University colleague(s) shall have reasonable access to these tapes during the processing of the grievance.

7. The presiding officer and the legal officer have the authority to obtain additional documents such as the dossiers of other members of the same department or faculty members in the same discipline in other parts of the University who recently or currently are alleged to have received more favorable treatment, provided that notice is given to those faculty members whose dossiers are to be examined. The panel may request the presiding officer to obtain expert opinion from inside or outside the University.

8. Since frank and candid evaluations are necessary to aid appointment and promotion procedures, special care must be taken in the examination of letters of recommendation and evaluation. Of course, both sides involved in the grievance may stipulate, with the concurrence of the legal officer, that such letters are irrelevant or the grievant may already have had access to those documents by procedures unrelated to the filing of the grievance. In such cases these questions will not arise. In cases in which the presiding officer determines that information contained in letters of recommendation and evaluation concerning the grievant or other members of the faculty is relevant, the panel, to protect confidentiality and to further the broader interests of the University, should consider, separately, the following issues:

a. Did the department or other parties to the decision make a reasonable effort to obtain the views of experts not biased for or against the grievant? In answering this question, the presiding officer may let the grievant examine and testify on a list of names that includes but is not limited to people who make the assessments; the panel may also compare the letters obtained at its behest, if any, with the original set.

b. Did the requests for the views ask for complete evaluations or did they imply that a confirmation of a preexisting judgment was desired? In answering this question, the panel may examine any written requests for the views and may inquire of the letter writers. Other methods may be used at the discretion of the presiding officer.

c. Are the views, weighted by the reputations of the experts, when compared with evaluations for others currently or recently promoted, affirmative enough to occasion concern that improper discrimination or other grounds for grievance may have been involved?

If the grievant is accompanied by a University colleague who will have agreed to maintain complete confidentiality with respect to all information contained therein, the colleague

will be given access to the letters and may question witnesses about the contents of the letters. If the grievant does not choose to be accompanied by a University colleague, the letters shall not be disclosed; but the legal officer shall provide to the grievant, to the greatest extent feasible, an indication of the tenor of the material in the letters so that he or she may make such response as is possible under the circumstances.

9. After the receipt of the panel's final report the presiding officer shall return all borrowed documents to their owners and turn over to the chair of the commission a complete file of the case--including a set of documents, depositions, etc. and the tape recordings of the hearings. The presiding officer shall destroy all other materials. Except when the chair of the commission determines otherwise, the complete file shall be destroyed three years after final action on the case within the University. However, the panel report shall be kept permanently on file.

ADDENDA TO THE FACULTY GRIEVANCE PROCEDURES

A Summary of the Procedures

The purpose of the new faculty grievance procedures, like that of the former ones, is to provide a fair and full peer review for faculty members who have a grievance. The revisions are intended to accomplish this in ways that will minimize the possibility of new conflicts and injuries arising out of the implementation of the grievance procedures.

The essential features of the grievance procedures as set out in Almanac on November 21, 1978 may be summarized as follows:

1. The administration of the grievance procedure is the responsibility of a three-person Faculty Grievance Commission composed of three members of the standing faculty with the rank of full professor. An independent legal officer is to assist the commission in its work.

2. Preliminary procedures encourage the resolution of a complaint before the formal grievance procedures are invoked.

3. The grievance case is heard and decided by a hearing panel consisting of three faculty members. The panel is chosen at random from a list of 20 faculty members named by the Senate Advisory Committee and may be challenged.

4. The grievant may select a University colleague who normally will have academic qualifications in the grievant's field of study to provide expert assistance in the preparation and presentation of the case. If the grievant chooses to have a colleague, the respondent, who is appointed by the provost to act on behalf of the persons who made the decision complained of, may also have a nonadministrative colleague. It is not the intention to permit either party to have such a University colleague serve as legal advocate in the presentation of the case.

5. One of the members of the commission presides over the hearings. The legal officer prepares the case; this includes obtaining documents and setting the agenda for the hearings.

6. At the hearings each side may question witnesses introduced by the other side through the presiding officer. The role of the panel is largely that of a jury.

7. The panel presents its findings in a succinct report. If any element of the grievant's claim is upheld, the panel summarizes the salient facts that have led to its conclusions with respect to the injury done to the grievant. The report is sent to the grievant, the provost and the respondent.

8. The findings of the panel are not binding upon the provost. If the provost declines to implement a recommendation of

the panel his written communication to the chair of the commission, the grievant and the respondent shall include the detailed reasons, and shall be sent also to the chairman of the Senate. The provost may have complete access to the full documentation in the case.

9. Provisions are included for the rectification of any administrative action or practice that seemingly violates University procedures or otherwise leads to inequitable treatment.

10. All persons involved in a grievance proceeding are enjoined to confidentialit- and to the respect of the privacy of all concerned.

11. Appeal is provided to the Senate Committee on Academic Freedom and Responsibility in cases in which the provost does not implement to the satisfaction of the grievant a panel recommendation involving reappointment, promotion or tenure.

--Committee on the Revision of Grievance Machinery

Robert E. Davies (animal biology)
Larry Gross (communications)
Irving B. Kravis (economics), convener
Philip G. Mechanick (psychiatry)
Covey Oliver (law)

Supplementary Understandings between the Committee on the Revision of the Grievance Machinery, Provost Eliot Steilar and Provost-Elect Vartan Gregorian

1. It was agreed that the central administration would bear the cost of released teaching time for members of the new grievance commission up to one-quarter time. Released teaching time, whether for one-quarter time or

more, is to be subject to request from the occupants of the posts and to review by the chairman of the Senate and the provost.

2. The independent legal officer should initially, at least, be a part-time person on a modest yearly retainer with arrangements for compensation at an hourly rate when actually employed. The chairman of the Senate and the provost should find a suitable person, if possible, for an initial three-year period.

3. With respect to the procedures part V:a, it is understood that the presiding officer may obtain expert opinion from inside or outside the University through a direct approach to such experts or through another faculty member or administrative officer, including the provost.

4. It is expected that the respondent will normally be a person who has been involved in the actions in the case.

5. It is, of course, understood that the provost may wish to take advice before designating the respondent.

APPENDIX C

CONFERENCE PARTICIPANTS

155 persons present, of whom 22 (14 percent) were men

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